

GWENDELL L. PHILPOT  
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Attalla, AL 35954  
Telephone : (256) 309-9850

*CREDITOR/CLAIMANT: Claim Number 5067*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

_____	)	<u>Case No. 12-12020 (MG)</u>
In re:	)	
	)	
RESIDENTIAL CAPITAL, LLC, et al.,	)	<u>Chapter 11</u>
	)	
Debtors.	)	<u>Jointly Administered</u>
	)	
	)	
_____	)	

**Title: CORRECTION TO RESPONSE AGAINST (REPLY IN SUPPORT OF  
OBJECTION DOC 8360) OF THE RESCAP BORROWER CLAIMS TRUST TO CLAIM  
NUMBER 5067 FILED BY GWENDELL L. PHILPOT**

TO THE HONORABLE MARTIN GLENN,  
UNITED STATES BANKRUPTCY JUDGE:

I, Gwendell L. Philpot (“I”, “me”, “my”, “myself”, “Mr. Philpot”), with respect to the confirmed Chapter 11 plan in the above-captioned bankruptcy cases (the “Chapter 11 Cases”) [Docket No. 6065], hereby submits this correction to my error in the previous filed document of the ResCap Borrower Claims Trust (the “Borrower Trust”), Residential Capital, LLC (“ResCap”) and the Debtors, on behalf of my claim number 5067 (the “Philpot Claim”), (“my Claim”), I do herewith correct my error in my response against the Reply and the Objection.

Please accept the word correction of Page (3), Paragraph (3), (Line 2), Word “within” should have been “before” which is the word and meaning I intended when writing the document, previously filed and containing such corrected error, herewith attached as **Exhibit 1**.

Dated: March 31, 2015

A handwritten signature in black ink, appearing to read 'Gwendell L. Philpot', written over a horizontal line.

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**EXHIBIT 1**

Alzheimer's Applications Images as Exhibit 1), being assured by those financial business professionals that having consistently shown a process of reasonable management to apply my personal funds to the repair of the Property in question, while diligently seeking a resolution of compensation for the storm damages from Nationwide Insurance, that such payment structure would not have an adverse effect against me unless I went sixty (60) days or more on another payment, such timely payment process of which I executed in a proper and complete manner within all my power and authority on September 30, 2008, that payment having been late after the last day of August 2008, but not sixty (60) days late if made before October 1<sup>st</sup>, as stated in the contract between myself and the Debtors, such payment not having been ceased after August as stated in the Reply, but actuated on September 30<sup>th</sup> when the Debtors' system failed, and the Debtors refused to correct in a manner that was consistent with my actions and the credit bureaus reporting methods and procedures.

3. Had the Debtors simply corrected such as per the computer log files within the Debtors' information technology system not showing sixty (60) days, as opposed to "before" sixty (60) days, rather than suggest an unworkable "within" alternative, it is reasonable that I would have expected and received the SBA loan as is normal in the course of design and development business financial transactions, and my discussions with the SBA and credit union, and completed the software code development based on the design of such application, as well, a typical and common development process for a designer of my background and accomplishments, at that date, being over thirty two years as a top world class design college degreed practicing industrial designer and ergonomics professional, providing many major global financial accomplishments for past Fortune 500 clients and employers, (See my resume and response to my nomination for Alabama's 2014 Lifetime Innovation Award, Exhibit 2, and reference publications of my Interface 87 presentation on ergonomics and my design resulting in major financial business growth Exhibit 3, and my continued design impact on Intergraph computer design ergonomics as Exhibit 4), in a subsequent conversation with Jack Wright after October 1, 2008, I was advised that the SBA loan approval rested with the correction by the Debtors of their Pay-By-Phone failure with no adverse erroneous report to the credit bureaus showing a payment "within" the sixty (60) days.

4. Despite my pleadings with the Debtors' customer service personnel and communications to the appropriate officers of ResCap, no appropriate correction was ever

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SOUTHERN DISTRICT OF NEW YORK**

In re:	)	<u>Case No. 12-12020 (MG)</u>
	)	
RESIDENTIAL CAPITAL, LLC, et al.,	)	<u>Chapter 11</u>
	)	
Debtors.	)	<u>Jointly Administered</u>
	)	
	)	
	)	

**Title: RESPONSE AGAINST (REPLY IN SUPPORT OF OBJECTION DOC 8360) OF  
THE RESCAP BORROWER CLAIMS TRUST TO CLAIM NUMBER 5067 FILED BY  
GWENDELL L. PHILPOT**

TO THE HONORABLE MARTIN GLENN,  
UNITED STATES BANKRUPTCY JUDGE:

I, Gwendell L. Philpot (“I”, “me”, “my”, “myself”, “Mr. Philpot”), with respect to the confirmed Chapter 11 plan in the above-captioned bankruptcy cases (the “Chapter 11 Cases”) [Docket No. 6065], hereby submits this response against the REPLY IN SUPPORT (the “Reply”) [Docket No. 8360], of Objection (the “Objection”) [Docket No. 7760], of the ResCap Borrower Claims Trust (the “Borrower Trust”), Residential Capital, LLC (“ResCap”) and the Debtors, on behalf of my claim number 5067 (the “Philpot Claim”), (“my Claim”), I do herewith respond against the Reply and the Objection.

1. As to the assertion that my claim fails as a cognizable claim against the Debtors, your Honorable Judge and this Court has the sole authority to determine such validity based on my claim, past assertions in support of such and my rebuttal to the arguments raised in the Objection. Paragraph one (1.) of the Reply is only an opinion of the author of the Reply.

2. As to no material issues in dispute, the Reply asserts that my financial loss previously existed before the Debtors’ Pay-By-Phone system failure on September 30, 2008, further incorrectly stating that I acknowledged I was in “significant financial distress through no fault of the Debtors,” a condition and statement of which I never alleged or agreed, stating clearly that the thirty (30) day delinquent payments were processed as agreed between the Debtors and myself, evidence being a consistent payment process of more than a year within such timely structure, without any threat of foreclosure, with only one issue of December 31, 2007 when the Debtors’ system previously failed in a similar manner, all without my distress, but raising my concern about the Debtors’ management, all documented in letters of March 14 and 21, 2008 between the Debtors and myself, wherein I related a financial hardship of 2007, previously stating its relationship to storm damage without resolution of the insurance claim, that December 31<sup>st</sup> payment processing failure, as with a halt to refinancing the mortgage and note, it giving rise to a possible business loan denial during my conversations with the agents of the Small Business Administration, (SBA) and Jack Wright, the small business loan officer of the credit union during the Fall of 2008 training seminars at the Chamber of Commerce in Huntsville, Alabama and continued individual meetings concerning my SBA loan for working capital to develop the Alzheimer’s Apple iPhone application for caregivers, (See Ergospace

Alzheimer's Applications Images as Exhibit 1), being assured by those financial business professionals that having consistently shown a process of reasonable management to apply my personal funds to the repair of the Property in question, while diligently seeking a resolution of compensation for the storm damages from Nationwide Insurance, that such payment structure would not have an adverse effect against me unless I went sixty (60) days or more on another payment, such timely payment process of which I executed in a proper and complete manner within all my power and authority on September 30, 2008, that payment having been late after the last day of August 2008, but not sixty (60) days late if made before October 1<sup>st</sup>, as stated in the contract between myself and the Debtors, such payment not having been ceased after August as stated in the Reply, but actuated on September 30<sup>th</sup> when the Debtors' system failed, and the Debtors refused to correct in a manner that was consistent with my actions and the credit bureaus reporting methods and procedures.

3. Had the Debtors simply corrected such as per the computer log files within the Debtors' information technology system not showing sixty (60) days, as opposed to "~~within~~" <sup>(Insert)</sup> "before" sixty (60) days, rather than suggest an unworkable "within" alternative, it is reasonable that I would have expected and received the SBA loan as is normal in the course of design and development business financial transactions, and my discussions with the SBA and credit union, and completed the software code development based on the design of such application, as well, a typical and common development process for a designer of my background and accomplishments, at that date, being over thirty two years as a top world class design college degreed practicing industrial designer and ergonomics professional, providing many major global financial accomplishments for past Fortune 500 clients and employers, (See my resume and response to my nomination for Alabama's 2014 Lifetime Innovation Award, Exhibit 2, and reference publications of my Interface 87 presentation on ergonomics and my design resulting in major financial business growth Exhibit 3, and my continued design impact on Intergraph computer design ergonomics as Exhibit 4), in a subsequent conversation with Jack Wright after October 1, 2008, I was advised that the SBA loan approval rested with the correction by the Debtors of their Pay-By-Phone failure with no adverse erroneous report to the credit bureaus showing a payment "within" the sixty (60) days.

4. Despite my pleadings with the Debtors' customer service personnel and communications to the appropriate officers of ResCap, no appropriate correction was ever

offered or made and even now the Borrowers Trust is trying to quash the Subpoena to obtain the log files showing the call date/time/duration of which I have diligently referred.

5. As can be derived by my e-mail immediately on October 1, 2008, my financial and emotional distress started the moment I recognized the crash of the Debtors' own developed Pay-By-Phone servicing data system which feeds its "Assential Software" ETL Data Processing into its EDAP, Enterprise Data Repository, all integral components of the Debtors' "Books and Records," as it was stating the speech synthesis confirmation number of the payment I executed before midnight on September 30, 2008, all a process of verification only after the payment system receives complete financial data actuations including account name, bank routing and account number, payment amount and verification, and on October 1, 2008 when I waited at Regions Bank at 4:00 PM with a bank officer to determine if the payment correctly processed, after which, such a few hours of distress became emotional DURESS for my family and myself when we realized the Debtors were not going to admit the failure of their system, and I would not be financially able to develop the Alzheimer's system, and as well, loose the home, the Property, of which we had raised our children and cared for its significant historic preservation.

6. It was then that my wife and I received legal counsel from Michael Forton, to cease any payments until the Debtors corrected their error, without which no SBA loan would be approved to obtain working business capital, a process by which I would be compensated for my work during the software code development phase of the Alzheimer's project, receiving income whereby I could continue my timely payments of the mortgage and note to the Debtors. As such, the failure of the Debtors to properly manage the payment process was the significant action to my financial collapse, all while I diligently sought an option other than bankruptcy, a process which neither myself nor anyone in our family had ever been involved, both my wife and myself being emotionally distraught during the process, with no experience or foreknowledge of the methods or actions we needed to take except as advised by the attorney, Robert E. Long, Jr now retired for failed health and most closely involving his legal assistant, Tami L. Hinkle, now incarcerated in Madison County, Alabama for conviction of fraud through the office of Robert E. Long, Jr.

7. As to ascribing any value to any claims against the Debtors, I had no understanding of how my financial failure as evident by my bankruptcy should include any unknown value against the Debtors even though the Debtors' failure to properly process that key



significant payment during the last night of the previous September actually caused my financial collapse. For instance, the Nationwide Insurance claim for the storm damage of 2007 and before was listed as a potential lawsuit, with a value of zero dollars (\$0), but the claim was already filed for several thousand dollars, and I believed the funds would be paid even if a lawsuit had to be filed. Eventually, much of the funds were paid and all such were used to repair the Property, paid to the contractor for labor and materials, the last payment made to the contractor in the Fall of 2013, several months after we had vacated the Property, myself having oversight of the contractor as well as performing significant work of my own labor without any compensation, such as hand sanding and finishing the 1925 old oak hardwood floors, herein stated to indicate the integrity with which I worked to care for the Property.

8. It is my opinion that the question of law and the issue of liability is strictly whether the Debtors, including the ResCap corporate officers, could have easily taken immediate appropriate corrective action as a result of the failure of their information technology system, and their responsibility to properly operate such in a timely manner, collected the funds which were in the bank waiting for their transaction and proceeded with the payment process crediting as in prior months, and so doing, a different outcome would have transpired for both the Debtors and myself, as well as the Alzheimer's application to have been introduced at the June 2009 Apple Developers Conference, such being a help to caregivers who struggle to stay engaged with their loved ones, and such being a product on the leading edge of development for the then emerging Baby Boomer marketplace by myself, a designer with a significant background in design of computers, including computer systems operated by Frog Design in the design of Apple computers.

9. As to whether the inability to obtain an SBA loan and the potential income that would have been received as a result of the development of the Alzheimer's application are "too speculative or attenuated," all design and development investments by inventors, designers or business organizations are based on variable marketing, economic, material, processing and cultural human, technical, production and distribution factors, all of which can be considered speculative, as was the case for the vast majority of smart phone applications, (apps) in 2008, yet today, millions of apps and hundreds of corporations are valued in the millions to billions of dollars, giving rise to what criteria, constraints and requirements may affect the success of revolutionary concepts, ideas and designs as to the mere unwarranted speculation of an idea

versus the viability of a design rendered by a seasoned design professional with numerous economically successful developments in the global marketplace. Such is the norm in the process of design and development of millions of products for more than a century. A recent copy of an e-mail from Peter Beucher, an expert in high technology development and marketing, verifying his Fall 2008 recognition of my Alzheimer's application is attached as Exhibit 5.

10. As to whether a single missed payment to have been credited on the specific day that it was executed has any affect on a transaction, why should the contract have designated the first of each month as payment dates and times as a condition of financial those contracts, herein specifically between the Debtors and myself? Are the Debtors just as responsible in the receipt of the executed transactions as I was required to make them? The contract states both parties have responsibilities in the care of payment transactions, and the Pay-By-Phone system was set up by the Debtors as an authoritative means of fulfilling my payments obligations, therefore, I had the right of presumption to expect that their system would work and if an error or failure, the Debtors would exercise all due diligence to fulfill their obligation to process the transaction in a corrective manner, a process the Debtors failed to attempt to provide. Significant to my Claim is the fact that contrary to the Reply, I was not offered the opportunity to remit said payment late without consequence, on the contrary, the Debtors only offered to list the payment as being made "within" the sixty (60) days, not "before" as would have been required to comply with the actual execution of the payment and provide the credit bureaus with a proper accounting of the payment action. As to not indicating such failure of the Debtors in my bankruptcy, I had no reason to assume such was of any potential value at the time of my bankruptcy and was never advised of such condition despite statements to the attorneys and the trustee as to why I needed to seek bankruptcy, including the process whereby the Debtors were given relief by the trustee, therefore judicial estoppel is not applicable.

11. In the Reply, under paragraph (C.), is clarification of my error concerning the registration of Homecomings Financial, LLC with the State of Alabama. Such evidence was overlooked by me. Still, the Debtors having followed Alabama law to register the above LLC, the original Mortgage, but not the Note, was not registered as such LLC with the Morgan County, Alabama Probate Judge on December 11, 2000, and they did not register any subsequent ownership changes with that judge, including the corporate structure from a corporation to a limited liability corporation, LLC, with respect to the Note to the Probate Judge at or before that

time in 2008, only registering the Assignment of Mortgage on August 30, 2010, almost two years after their failure to properly process my pay-by-phone payment and over one year after the discharge of my bankruptcy, and only after improperly registering that assignment with other Alabama County Probate Judges in 2010, not in the county where the Property was located, and only after failure in processing legal documents required by Alabama's County Probate Judges, in that ResCap or Homecomings Financial Network, Inc., in 2008, neither being registered as a foreign entity such that the Probate Judge of Morgan County did not have proper records as required of the Debtors.

12. My point herein is to illustrate that if by intention or oversight, the Debtors, namely Homecomings Financial, LLC, having filed a motion and been granted a Relief from Automatic Stay in my bankruptcy case, they still had not filed the required documentation of corporate name and actual corporate structure change with the Probate Judge in the Morgan County Courthouse next door to the Seybourn H. Lynne Federal North Alabama District Bankruptcy Courthouse where my bankruptcy was conducted, therefore errors may have happened by both the Debtors and myself, but I do not claim that such motion had any motive or intent in an attempt to defraud me or the Court, and I never had any motive or intention to take any action or inaction of omission in my bankruptcy to defraud the Court or the Debtors or creditors, and my subsequent efforts to negotiate a loss mitigation forbearance with the help of a new legal firm, EysterKey of which I have the upmost respect, as well as my continued efforts to preserve the historic structural integrity of the Property, a significant contributing structure listed on the National Register of Historic Places having been the home-place of the late U.S. Federal Judge Seybourn H. Lynne, for the posterity of the city, state and nation as well as the neighboring community and creditors in general, doing so even after I was no longer a resident of such, having lost all equity in the Property, our letter to Gerald Hassell, CEO/Chairman of the Board/Director/President, The Bank of New York Mellon Corporation, (BNY Mellon, (See Exhibit 6), shows our dedication to the integrity of preservation for the Property and (See image of the Property after my bankruptcy and care, Exhibit 7), such conduct shows that I had absolutely no motive or intent against any of the above persons or organizations, including the Court.

13. With regard to the Reply, paragraph (D.), my reference to such funds was to clarify that such were part of my Claim being a subset of the equity valuation as well as

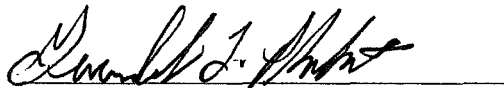
providing to the Court some indication of my integrity to care for the Property with respect for its historic significance and my desire to be a responsible neighbor and citizen in spite of my financial collapse, maintaining its market value and structural integrity, and such is not a new claim.

14. I respect your Honorable Judge's authority to make any determination, either decreased or increased amounts, as to any different valuations of my Claim as this Court may find.

**Conclusion**

15. For the reasons set forth in my prior documents and herewith, I respectfully request entry of an order (i) requiring the presentation of the Subpoenas of which have been served with Proof to this Court, all requested documents and records of such to be presented to myself and this Court, and (ii) allowing my Claim and not expunging my Claim, and (iii) granting such other and further relief as is just and proper.

Dated: March 30, 2015



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*CREDITOR/CLAIMANT: Claim Number 5067*

Exhibit 1



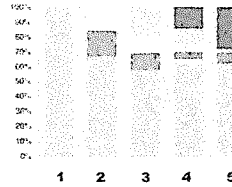
## Executive Summary

### Financial Summary PathWize

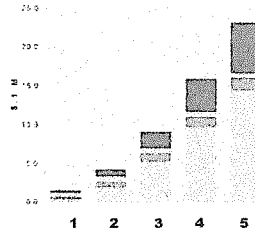
#### Revenue Analysis (Million)

Year	1	2	3	4	5
Phone SMS	1.4	2.8	5.3	6.2	3.3
Long-Term Care	0.0	0.7	0.6	0.4	0.0
Family Care	0.0	0.7	0.5	0.3	0.0
LifeCare®	0.0	0.0	2.7	4.2	6.6
Future Products	0.0	0.0	0.0	4.2	6.1
TOTAL	1.4	4.2	9.1	15.8	23.1

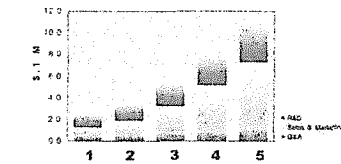
Revenue Source as % of Total



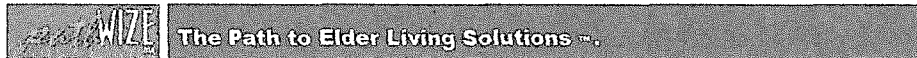
Revenue Source Forecast



Operating Expenses



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## Executive Summary

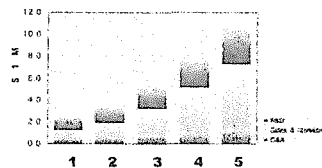
### Financial Summary

#### iPhone SMS / AT&T

#### Operating Expenses

Year	1	2	3	4	5
G & A	0.5	0.6	0.8	1.0	1.3
Sales & Marketing	0.8	1.3	2.4	4.1	6.0
R & D	0.9	1.3	1.8	2.3	3.0
TOTAL	2.2	3.2	5.0	7.4	10.3

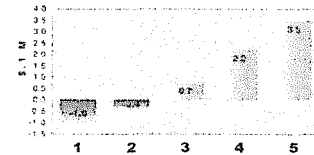
Operating Expenses



#### Pre-Tax Profit Forecast

Year	1	2	3	4	5
Revenue	1.4	4.2	9.1	15.8	23.1
% Growth		196%	117%	74%	46%
Gross Profit (\$M)	1.0	2.8	5.7	9.6	13.8
% of Sales	72%	67%	63%	61%	60%
Pre-tax Profit	-1.0	-0.4	0.7	2.2	3.5
% of Sales	-68%	-10%	6%	14%	15%

Pre-Tax Profit



2006 Mobile Phone Market = \$57 Billion Units

Cognitive Disabilities Tele-Communications Market

2006 Alzheimer's USA Market = 5 Million People

2006 Alzheimer's Caregivers USA Market = 10 Million People

Market Growth of Alzheimer's Market = Market Growth of Aging Baby Boomers

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## Executive Summary

Apple has Wall Street in it's top spot with projection of only 1% of the cell phone market

- There are 5 million Alzheimer's patients in America over 80.
- Emerging Baby Boomer Alzheimer's market will explode.
- Projections of a conservative 1% of existing 5 Mil for market penetration = 50 Thousand + Caregiver = 100 Thousand,  
@ \$5 / Month service = \$5 Mil / Month License Fee for iPhone /AT&T Software advertised by direct mail & subscribed through AT&T and delivered by iTunes.

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## The Growing Grays

The number of young people is dropping

... while the developed world is getting older.

- Fertility rates in almost all rich countries, as well as China and Brazil, are now well below the replacement rate of 2.1 births per woman. (source: The Economist)
- In Italy and Spain, the fertility rate is about 1.2. If sustained, this rate would bring about not just rapid aging but a population implosion. (source: The Economist)
- Germany, which currently has a population of around 80m, could find itself with just 25m inhabitants by the end of this century. (source: Deutsche Bank)
- A decline in the number of young people of this magnitude hasn't been seen since the black death.
- Between 1990 and 2020, the US population aged 65 to 74 is expected to grow by over 70 percent, while the population under 65 is expected to increase by less than 25 percent. (source: U.S. Census Bureau)
- 25 percent of the German population is aged 60 or over. In 2050, this figure will be 36 percent. (source: German Federal Foreign Office)
- In 2002, UK life expectancy for women was 81 years. In 1901 this figure was 49 years. (source: UK Statistics Bureau)
- Life expectancy—and with it the number of older people—has been going up steadily for 300 years.

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## The Growing Grays

Resulting in significant changes...

- By 2030 Italy's retirees will outnumber its active workers. Most developed countries aren't far behind. (source: World Economic Forum)
- Developing Asian countries, including China, as well as Central and South America, Africa and the Middle Eastern countries will all have surplus labor over the coming decades. (source: World Economic Forum)
- In many countries, current immigration rates would have to skyrocket, increasing by several multiples in some countries —Germany by 2.5 times current rates, France by 4.4 times, and Japan by 11.0 times—to make up in immigration what they lack in birth rates over the long term. (source: Watson Wyatt Worldwide)
- Pension costs in developing countries will explode while immigration cost could rise significantly.

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## The Growing Gray Market

Dementia diseases represent an increasing problem in industrialized countries because of higher average life expectancies. Such diseases are in most cases incurable and patients therefore require long-term care. Half of these patients receive in-patient care. Alzheimer's Disease accounts for about 65% of chronic dementias and new methods for diagnosis and therapy are therefore of great importance.

<http://digital50.com/news/items/BW/2008/07/14/22070211005379/digital-partidomics-receives-united-states-patent-for-alzheimers-disease-biomarkers.html>

### Alzheimer's Disease And Memory Loss

Memory loss is the distinguishing factor in all Alzheimer's cases. However, in the early stages it can be difficult to detect as people often devise elaborate coping mechanisms that disguise their symptoms. Recent memories are the first to be affected. It is only as the Alzheimer's condition progresses that more distant memories become affected. Short term memory refers to the brain's mechanism for storage of recent events or things learned. The duration for things stored in a brain's short term memory can be as little as hours or as long as a week or two. It is this recent storage capacity that causes initial difficulty for people with Alzheimer's.

<http://www.understanding-alzheimersdisease.com/page.cfm/pageid/6764?keywords=alzheimers+desease&referrer=adwords&camp=Understanding-AlzheimersDisease&group=alzheimers+disease&keyword=alzheimer's+disease&traffictype=content&source=digital50.com&creativeid=779296650>

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## The Growing Gray Market

### Old age in the technology age

New devices to monitor health and well-being at home a growing new sector

Carolyn Reid, Chronicle Staff Writer  
Monday, August 8, 2005

Talking pill bottles that remind you to take your medicine. A wristwatch that can help find a wandering Alzheimer's patient. Smart Band-Aids that check your temperature and heartbeat. Sensors in bed sheets that monitor sleep apnea and snoring. Motion detectors on doors and furniture that sense when you're up and about, when you stay in bed, and whether you've fallen. Robots that help disabled people get up from a chair and walk down the hall.

They sound like sci-fi, or entries from a Sharper Image catalog circa 2015, but they're technologies that exist today. With the United States' population rapidly aging, electronic devices to monitor seniors' health and well-being at home are a growing new sector. A few are on the market now; more may hit the U.S. market as soon as next year.

"We have the potential to aim our innovation engine at the age wave challenge and change the way we do health care from a crisis-driven, assembly-line, hospital approach to a personal-driven approach, with people taking care of themselves with help from family, friends and technologies," said Eric Dishman, director of health research and innovation for Intel.

The computer-chip giant takes the area so seriously that when it reorganized in January, it created a digital health group as one of its five primary business units reporting directly to the chief executive officer.

"Intel went down this path after a study of 300 households in the United States, South America and Europe where we sent social scientists out to live with and observe them," Dishman said. "We ostensibly focused on digital entertainment, but the overwhelming response by anyone over 40 was, 'I don't need 500 more TV channels; I need a way to manage my diabetes, and more importantly to manage the diabetes of my aging parents.' We heard that so many times, we said: 'We need to start a lab to focus on personal health trends.'"

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## The Growing Gray Market

### Devices can monitor health, detect motion, track medicines

Carolyn Reid, Chronicle Staff Writer  
Monday, August 8, 2005

Remember "I've fallen, and I can't get up"?

The catchphrase came from a 1990s TV ad for a badge seniors could wear with a button to connect them with emergency dispatchers in case of a medical problem.

Some of today's senior-tech devices are essentially sophisticated variations of that, while others pioneer new categories such as telemedicine. Here is a partial list of some high-tech devices to assist seniors with health and safety.

For more information, visit the Web site of the Center for Aging Services Technologies at [www.agingtech.org](http://www.agingtech.org). It's a broad coalition of university researchers, tech companies and senior living facilities focused on health and wellness technologies for seniors.

### Home-monitoring systems

This is the most advanced senior-tech category because it piggybacks existing products: home-security systems and emergency-response systems. Major security companies like ADT and GE as well as smaller startups are devising "smart" systems that can monitor a senior's at-home behavior and send a caregiver an alert when the pattern changes. For example, the system could call to alert you if your grandmother doesn't get out of bed by 10 a.m.

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## The Growing Gray Market

### Traditional PERS - How it works

A system consists of:

- Personal Transmitter ("alarm")
- Special Phone ("phone")
- Monitoring Center ("dispatcher")

1) An individual (patient) becomes ill or injured in his/her home and pushes the personal transmitter button (worn on the wrist or around the neck).

2) The transmitter sends an FM signal to the Special Phone, which then automatically calls the professional monitoring center (dispatcher).

3) The dispatcher at the monitoring center receives the following information about the caller (patient) on the computer screen: Cell Phone PERS

- Name of patient
- Address and phone number
- Emergency telephone contacts (medical, fire, security)
- Contacts and phone numbers (family members, neighbors ..)
- Other information including medications and allergies



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The Path to Elder Living Solutions™.

## The Growing Gray Market

### Traditional PERS - How it works

4) The dispatcher activates the special phone for two-way voice communication with the patient. The patient does not need to be near the phone - the dispatcher will normally hear them, regardless of where they are in the home.

5) After speaking with the patient, the dispatcher determines whether to contact a neighbor, family member, or emergency medical help. If the patient is unable to answer, the dispatcher will immediately call for emergency assistance, and stay on the line until help arrives.

Problem: Limits patient to area close to Base Unit & puts Caregiver between patient & 911.



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## The Growing Gray Market

### Cell Phone Video Streaming in Alzheimer's Disease

March 2007

**Remaining at home as long as possible can be personally, socially and economically beneficial for many people with dementia and their families. Innovative schemes using assistive home technologies may reduce isolation and improve functioning for these individuals. Such technologies may ease the demands on caregivers and help people who might otherwise need to consider institutional care.**

David Craig, M.D., and colleagues have developed a protocol for the novel use of cell phone technology to increase communication between individuals with Alzheimer's disease and their remote caregivers. Their research project aims to further the development of the system, implement its use and evaluate its effectiveness.

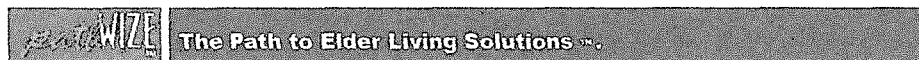
Memory problems are the most common cognitive deficits in Alzheimer's disease. The system the investigators propose provides a wide range of memory cues. Through the use of a specially equipped, easy-to-use cell phone, a "virtual" caregiver would be a regular presence in the home. Throughout the day, the person with Alzheimer's disease would receive automatic, video streaming, individualized messages from the caregiver about everyday issues (e.g., reminders about medications, directions for getting prepared meals ready and prompts about tasks to accomplish). The care recipient would be trained to use a modified keypad to acknowledge each video message, and the signal would be sent to a central unit for monitoring.

Dr. Craig's team plans to assess the merits of the technology through an analysis of the central monitoring system, care recipient and caregiver evaluations, and interviews. If the video streaming cell phone technology proves successful, its implementation may extend the time a person with Alzheimer's disease could live independently at home.

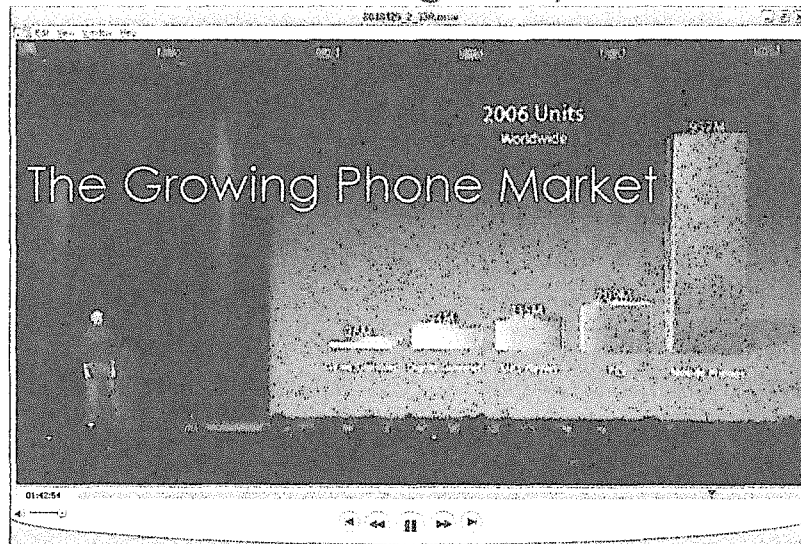
A 2006 Grant from Everyday Technologies for Alzheimer's Care—\$196,094 over three years

David Craig  
Clinical Lecturer  
The Queen's University of Belfast  
Whitla Medical Building  
97 Lisburn Road  
Belfast, United Kingdom, BT9 7BL  
david.craig@qub.ac.uk

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## The Growing Gray Market



**WIZ** The Path to Elder Living Solutions™.

## The Growing Gray Market

Introducing the iPhone

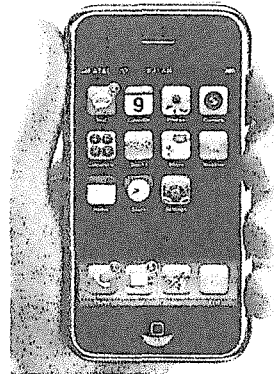
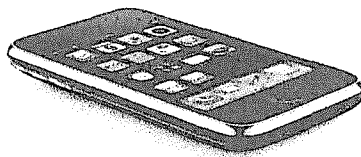
The iPhone!

THE GROWING GRAY MARKET

THE GROWING GRAY MARKET

**iPhone**  
3G

Twice as fast. Half the price.



iPhone 2.1 Software Update

Available for iPhone 2.0 and later



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**WIZ** The Path to Elder Living Solutions™.

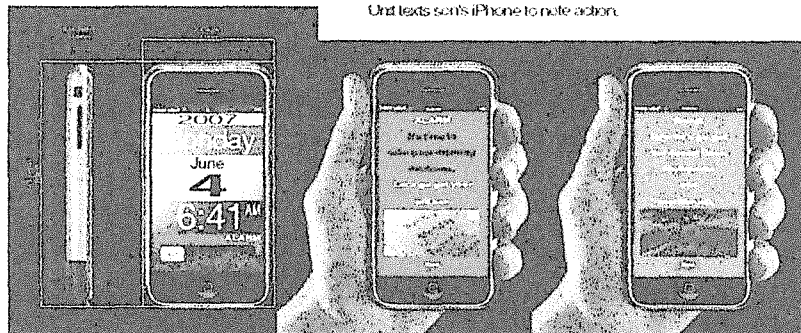
## Ergospace iPhone **MéMó** Design/Development

### iPhone MéMó

Using Apple's iPhone as the hardware & OS, the MéMó system is an early to mid Alzheimer's GUI for communication, control & monitoring.

Son's recorded voice says:  
Wake up mother!  
Come pick MéMó up!  
It's Monday, June 4th, 2007,  
six forty one AM.  
Come pick MéMó up!  
Repeat til iPhone is picked up.

Son's voice says:  
Good morning mother!  
Did you have a good night's sleep?  
It's time to take your medicine.  
Und texts son's iPhone to note action.



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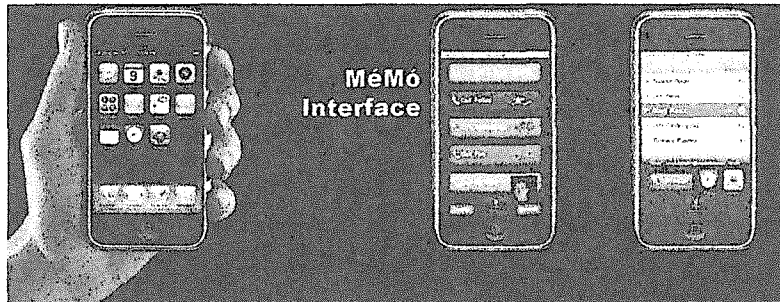


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## Ergospace iPhone **MéMó** Design/Development

The **MéMó** user interface is developed in Safari with a different set of widgets than the initial iPhone GUI.

The power of the Mac OS X provides the ability to simplify the GUI for Alzheimer's patients, limiting the options and GUI to those commands which the caregiver decides is appropriate.



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## Ergospace iPhone **MéMó** Design/Development

In Apple's iChat, when building an application which allows users to collaborate on content, we can use the APIs to notify caregivers when their patients are online. The Instant Messaging framework will automatically compress the content, using the H.264 codec, and send it across the network to the caregiver, remote user's display.



### Dashcode

Apple's new Dashboard widget development environment offers a built-in debugger and all the text editing features of a professional IDE.

iPhone GUIs will be built in Dashcode and iPhone **MéMó** GUIs will be built within this same software.

In Leopard, the system will be able to draw user interface elements using a scale factor. This will let the user interface maintain the same physical size while gaining resolution and crispness from high dpi displays.



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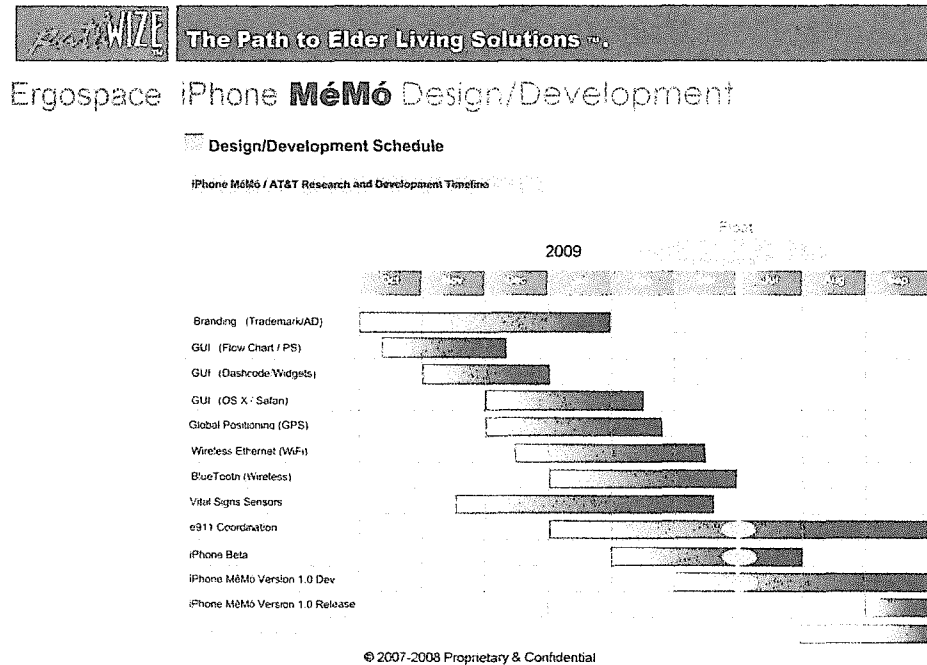
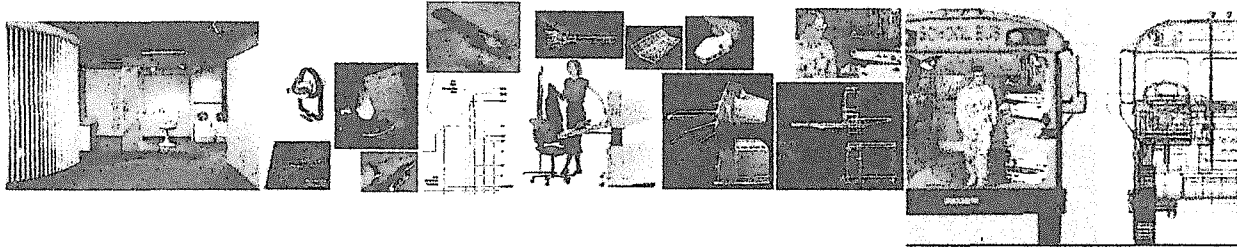


Exhibit 2

**Lloyd Philpôt Resume** 407 Valley Dr, Attalla, Alabama, 35954 Tel. 256.309.9850 [lloyd.philpot@yahoo.com](mailto:lloyd.philpot@yahoo.com)



DESIGN, ENGINEERING, STRATEGIC PLANNING, ELECTRO-MECHANICAL DESIGN, HUMAN FACTORS:

- Product design, industrial design, mechanical design engineering and prototyping of ergonomic hand controllers
- Program and Project Management, P&L, with Marketing, Engineering and Manufacturing interaction; \$20 mil. to \$1 bil. revenue
- Member of Engineering Change Order, ECO Review Boards, PLM, TQM and ISO Review Boards
- Electronic packaging design, 3D CAD/CAM hands-on modeling, rapid prototyping and vendor logistics for many products including infrared micro-optics sensors, Hellfire missile concepts, ultra wide band technologies and torque calibration work center
- Advanced product design concepts for *Ultra Wide Band* commercialization including rapid prototyping and 3D models
- Vendor selection and approval, hardware, materials, components, and third party software, OEM negotiations, P&L
- Organized and directed Fortune 500 corporate staff of ergonomists, industrial designers, engineers and programmers
- Strategic product planning for CAID/CAD/CAM systems, requirements, and specifications of software and integration
- Orthopaedic patient process analysis and proprietary clinical system medical database architecture conceptualization

PROFESSIONAL PRACTICE/AFFILIATIONS/CONSULTING/EMPLOYMENT:

**PhilpoDesign/Redbud Technology**, Union Grove, Alabama 09-Present

Collaboration Project: 3D solids modeling, Parasolids, sculptural form concept and development for vehicle body design, styling, ergonomics, materials, DFMA ( Design For Manufacturing and Assembly), 3D CAD translation SolidEdge/SolidWorks

**QuStream Corporation**, Huntsville, Alabama 07-08, Contract

Senior Design Engineer, 3D solids modeling using Rhino, SolidWorks, CircuitWorks, AutoCAD, Agile PDM, Photoshop and Adobe Illustrator, designing 19" rack sheet-metal enclosures, including parts and assembly modeling, ergonomics, product graphics concepts and detail branding production documentation, production drawings, PDM input, GUI and branding for product family

**PhilpoDesign**, Decatur, Alabama 99-07

Consultant to business including Dynetics, Time Domain, Daikin America, CSC, Raytheon, WileyOutdoor and Eastaboga Tackle. Provided services of usability/ergonomics/human factors, graphic user interface, GUI, strategic market planning, GIS analysis, 2D/3D design, solids modeling/simulation/animation, 3D targets/infrared DoD sensor data, electro-mechanical packaging, rapid prototyping, product design, packaging design, interior space planning, branding, corporate identity, web site and graphic design

**CSC Corporation**, Huntsville, Alabama 98-99

Design Consultant, Special Projects; Human factors safety assessments, Branding, 3D CAD, design and rapid prototyping

**ErgoSpace Design**, Decatur, Alabama 93-98

Consultant to business including Surgicad; MarCom/branding strategy, GUI, product/packaging/display/graphics/web design

**Surgicad Corporation**, Lebanon, New Hampshire 93-94, Designed Branding & Graphic User Interface for Surgicad orthopaedic software UNIX/Windows, providing surgeons with 3D CAD

**Intergraph Corporation**, Huntsville, Alabama

86-93: Senior Program Manager, Strategic Marketing, Design/Ergonomics. Directed marketing for CAID/Ergonomics, industrial design sector including product planning, GUI, collateral development, industry conference speaker in U.S., Europe, India and Asia

84-93: Senior Design Consultant, Advanced Concepts. 3D modeling for DoD mapping/GIS program; Responsibilities included research and analysis of consumer/ergonomic trends in computers and conceptualization of future hardware and software products

79-84: Senior Manager, Design/Ergonomics. Duties included organization and management of Corporate Design, Ergonomics

**URS/Matrix Company**, Huntsville, Alabama

Research Scientist of Ergonomics Design. Research, development and design of hardware appropriate to astronaut and patient needs, human functional operation, OG user interface, task analysis, for NASA-MSFC/JSFC and URS hospital master programs

EDUCATION:

Bachelor of Industrial Design, B.I.D., College of Architecture, Design & Construction, Auburn University

**Additional Studies:**

- Solid Edge Advanced 3D Solid Modeling, Teamcenter, Program/Process/Project Management, Siemens
- Solid Works Numerous Monthly Courses by North Alabama SolidWorks Users Group, 07-Present
- Human Factors Engineering/Psychology; Auburn University
- Industrial Technology/Engineering; Middle Tennessee State University, University of Tennessee/Space Institute
- ISO/9001, Total Quality Management/Lean/Six Sigma; Applied Quality Systems
- Management of Creative Design; Design Management Institute
- CAID/CAD/CAM/GIS; Intergraph Corporation, AUTOFACT, NCGA, NDES, SIGGRAPH

COMPUTER USAGE:

Programs; Rhino, SolidWorks, CircuitWorks, Agile, Solid Edge, AutoCAD, MS Office, Adobe CS Suite; Illustrator, Photoshop (multi-media and web applications, 3D solids CAD, rendering, animation)



WORK ACCOMPLISHED FOR US DoD, NASA & GIS GOVERNMENT ORGANIZATIONS:

- Hand controller design including anthropometrics analysis, form development and detail parts/assembly engineering
- Hybrid infrared/video polarized infrared/target sensor camera industrial design and mechanical engineering, 3D solids modeling including structural development and human interface of parts design, total integration and cryo-cooler packaging
- Conceptual designs of space stations, crew space and scientific labs for NASA
- Astronaut task analysis, control and display user interface for NASA
- Astronaut OG suited/unsuited anthropometric 3D envelope analysis and documentation for NASA
- SPAR robotic arms, hand controller conceptual designs for NASA
- Payload specialists station human interface analysis and conceptual design for NASA
- Detail Space Shuttle/EVA designs for NASA
- ISS CAD modeling, animation, visualization, software-planning support for NASA
- Advanced composites and plastics missile concepts for Army
- Interior design space planning of high technology GIS information analysis centers for DoD
- Software and hardware, human factors analysis and industrial design of tool center for DoD
- GUI analysis/design for operational efficiency/safety in software for ergonomics, engineering, mapping applications
- GIS analysis and user interface software design and master planning for municipalities

ASSOCIATIONS:

- Human Factors & Ergonomics Society (HFES), Tennessee Valley Chapter, Treasurer; 2000-03
- Auburn University, Dean's Executive Board, College of Architecture, Design and Construction, Charter Member, 01-08
- Auburn University, Industrial Design Advisory Council, 87-07, Chair; 95-97
- DesignAlabama, Board of Directors, Charter Member, Treasurer; 92-96, Urban Planning Charettes, Professional Team Member
- Industrial Designers Society of America (IDSA),  
National Board of Directors, 76-78, 84-86, 91-92; Southern District VP, 76-78, 91-92; Chair, Tennessee Valley Chapter, 84-86

DESIGN/ENGINEERING AWARDS:

- Society for Technical Communication, Technical Publications Award, GUI, Graphic User Interface
- Society for Technical Communication, First Place International Award, Poster design
- IF88, IndustrieForum, Mark of Good Design, for InterAct, Hannover Fair
- Golden Rectangle Award, Architecture Magazine, Intergraph graphics
- Plastics World, First Place Award, Business Equipment Design, for InterAct
- SPI, Structural Foam Plastics, First Place Award, Most Innovative Product,  
First Place Conference Award, Best Design of all Entries, for InterAct
- Addy, Greater Huntsville Advertising Federation, Intergraph graphics
- InterMap Analytic Cursor Controller, Intergraph
- Keyboard tilt mechanism, Intergraph
- Teleoperator hand controller, NASA

EXHIBITIONS, PUBLICATIONS, LECTURES and PRESENTATIONS:

- Auburn University, Design Interaction, Guest Lecturer
- Computer Graphics for Design Conference
- Design Management Institute
- International Graphic Users Group
- Ohio State University, Guest Lecturer
- Rochester Institute of Technology, Guest Lecturer
- University of Cincinnati, Guest Lecturer
- "Founders Festival, 175 Years of History", City of Decatur, Alabama
- Design Hartselle, "City Image and Graphics Design"
- "Geographic Information Systems and City Planning", City of Decatur
- DesignAlabama Journal, "Bible Belt Bauhaus...", Winter '94
- Worldesign '85, '88, '92
- India '92 Tour, Chamber of Commerce, Keynote Speaker, "Concurrent Design," Bangalore, Bombay, Calcutta, New Delhi
- International Congress of the Societies of Industrial Design, Speaker  
Washington, DC '85; Amsterdam '87; Nagoya, Japan '89; Ljubljana, Slovenia '92
- IDSA, Speaker, numerous chapters, district conferences and Design Educators Conference, 1990
- Asian Design Conference '89, Osaka, Japan
- The President's DuPont Roundtable, Guest Speaker, 1989
- First National Design Exhibition, "The New Frontier: Humanizing Technology", The Science Place
- IPEX '88, Birmingham, England
- Lasers in Graphics '88
- Interface '87, "Ergonomics is Good Business," Human Factors Society

**Response by G. Lloyd Philpót to nomination for  
2014 Alabama Lifetime Achievement in Innovation**

*Commitment to Innovation:*

Innovation is novelty, originality, advancement and invention, and it is the application of such for humanizing technology by the integration the arts, sciences and humanities for human, technical and production functions of a business or organization to serve society.

Upon receiving an internationally recognized professional degree, Bachelor of Industrial Design, BID from Auburn University, College of Architecture, Design and Construction in 1971, I was hired as a research scientist for URS/Matrix, then the nation's leading ergonomics consultancy. Since then, not having moved to the national centers of design, namely New York, California or Detroit, I have lived in Alabama and practiced industrial design within the state for multiple corporations and as a consultant under the brand-name, PhilpoDesign. Industrial Design requires the innovative integration of aesthetics, ergonomics, marketing, engineering, production, and customer support in a manner that focuses on solutions that customer's desire, delivered by a process that returns reasonable profits for the risk of investment.

Innovation has been an integral factor of most projects of my career. Innovation is a core disciplined responsibility of every designer as their reasonable service. This commitment has allowed for numerous successes in my life.

*Achievements in Innovation:*

In an interdisciplinary structure within which most of my accomplishments materialized included highly competent professionals with whom I worked that believed a key to system success was the innovation of the system, product or program to advance integrity and quality as a responsible philosophy to design and engineering professionalism.

I developed advanced concepts for the NASA Space Shuttle, payload specialist station and robotic boom arm alternatives. I supported Skylab ergonomics and Extra Vehicular Activities. I performed ergonomic geometric analysis of astronaut body orientations from Skylab film developing 0-G astronaut envelopes.

I provided URS/Hewitt Royer a new approach in hospital design ergonomics. Jointly with Teledyne Brown Engineering technologists, I provided industrial design and ergonomics, integrating multiple NASA technology transfers with new innovation concepts of a unified control and display system for paraplegics and quadriplegics for SSI Corporation. I designed advanced user interface control and display work centers for video control for North American Philips. I designed a hair salon based on analysis of stylist's ergonomics and customer desires. I designed advanced alternative concepts as ideation leading to design criteria for the International Space Station, ISS and followed that interest at Intergraph in product strategy for an integrated computer aided design, CAID/CAD/CAM system, I/Design™ that was the lead software for NASA and Boeing in the conceptual and detail design of the ISS, as well as many global high tech and automotive industries.

My work for Intergraph included many innovations and inventions in computer graphics hardware and software that focused on human computer interface solutions and advancements in design, engineering and manufacturing such as computer based product design integration applications, rapid-prototyping, geographic mapping applications and advances in imagery and color systems used today in all computer systems. While at and after leaving Intergraph in 1993, my work included innovations in computer based orthopedic analysis and development for Surgicad in computer interface design that today is incorporated as basic user interface features to Microsoft, Apple and Linux operating systems.

For CSC, I provided industrial design and mechanical engineering for the first airship based infrared camera with integrated video capability. This included my design of Raytheon's infrared dewer, taking their breadboard feasibility research into a manufactured module for OEM deployment.

My design work at Time Domain focused on new innovations of their patented technology to integrate that technology into advanced products for use in communication systems. As with many of my innovative design projects, the details of such are classified and proprietary limiting my ability to provide further details as to their production and use throughout the world.

My present design work focuses on user experience, materials and production innovation in ground and aero personal hybrid vehicle design joint projects with Redbud Technology as an educational resource in design, engineering and manufacturing and in the elder market, research and alternative proprietary development for Boomers and Alzheimer's projects.

I continue to offer innovation design services including; Strategic Design Planning, Industrial Design, Product Design & Development, Corporate Brand Identity, User Interface Design, Human Factors/Ergonomics, 3D Modeling/Animation, Environmental Graphics, Exhibit Design, Interior Design, Rapid Prototyping, CAID/CAD/CAM Integration and Elder Focused Programs.

#### Leadership in Innovation:

Leadership is a characteristic of various professionals, but as to innovation it is grounded in a disciplined approach of responsibility to create a solution that is significantly better than past solutions to a problem. It is a drive grounded in belief, purpose and responsibility to the ability of which we are gifted, of that which we are blessed to be a part. It is a respect for criteria, constraints, interactions, materials, processes, laws, nature, habits, performance, people and communities and how to instill in ourselves and others to break rules, to lead, to achieve a better end. As such, leadership has been my responsibility to all that has labored before, to those under whom I studied, to my clients and to God who has allowed me the opportunity to lead and serve through design. My work in design innovation leadership has allowed me to work for and consult with companies such as Intergraph, Apple, HP/Compaq, Oster, URS, PESA, Kodak, General Motors, Ford, Proctor & Gamble, Colgate Palmolive, N.V. Philips, Amana, Surgicad, CSC, Raytheon, Dynetics and Time Domain in high tech product design, branding and software graphic user interface; Eastaboga Tackle, TrophX and Wiley on outdoor sports branding, packaging design and interior space planning and Closet Orderly and NewCentury in consumer branding.

Innovation has not only been about leadership for commercial success. I was a founding member of Design Alabama, and as part of my pro-bono service to such non-profit organizations, I provided services that concentrated on the importance of innovation as an integral function of purpose for the Industrial Designers Society of America, the Human Factors Society, MainStreet Decatur including GIS analysis, public safety and strategic planning for the City of Decatur, Hartselle, and Morgan County Alabama.

#### Successes of Innovation

My clients, my employers and their customers have been rewarded with important commercial success because of innovative design work which I have done, but commercial success is not the most important reason for innovation or the main reason for a business to exist. Service to others is our reasonable sacrifice in fulfilling our profession to those who have entrusted us with their resources, such that we stay true in our commitment to serve those who will use our designs. We must never be conformed by any love of monetary rewards while remaining cognizant of the importance of fiscal

success in order to seed continued work knowing that a just reward is the successful implementation of our work and a reasonable return on investment to those who entrusted us with the opportunity to practice our efforts to innovate. The following are successes for projects listed in this application.

My O-G work became part of the NASA human factors standards used in ergonomics of space systems.

My interior design became standardized nurse's stations increasing the efficiency and accuracy of medical care for Hill-Rom hospitals and increased projects for URS.

The innovation work for SSI Corporation became a test bed foundation for quadriplegic environmental control systems and lifelong aide to the participatory patients.

The work for North American Philips allowed entry into professional broadcast market increasing the value of American Data Corporation for sale to Central Dynamics.

The New Century hair salon increased its efficiency of operation and upscale customer experience with an initial 400% growth in revenue that remained constant for over twenty years.

At Intergraph, then M&S Computing, I organized and directed industrial design, ergonomics and branding, of hardware, graphics, exhibits, user interface design and architectural graphics for Intergraph including hands on design of award winning products, marketing collaterals and user interfaces that provided revenue growth from \$20 million to a billion dollar Fortune 500 company while its stock split twelve times. Innovations in the process of integrating all customer focused creative design functions into one organization that was the catalyst for user experience marketing and product development of leading edge applications, including coining the corporate name Intergraph, resulted in the company moving from an also run integrator of third party products to the leading number one global brand in computer graphics. This resulted in billions in revenue from exports by an Alabama headquartered corporation with millions of tax dollars for the state of Alabama and the single most leader in computer technology development within the state. Such leading edge work for the then world's largest most advanced computer graphics company in a wide array of software application industries allowed me to receive multiple design and engineering innovation awards, financial rewards and to lecture extensively in Japan, India, Europe and America through 1992 on computer integration design innovation and advanced technology.

Design of a total branding system in marketing communications, signage and fleet graphics has allowed Closet Orderly to be competitive in the Huntsville market among national competition.

My design evangelism has yielded increased spin-off jobs growth of the high technology industry in the Huntsville area including military and space exploration.

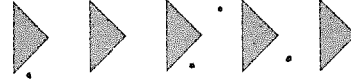
#### *Philosophy of Innovation*

Innovation is an integral aspect of design through research, conceptualization, development, production and lifecycle use.

Innovation is not about making another widget just to have a competitive product but is about serving society in the role of advancing the quality of life of humanity, increasing the knowledge and ability of people while reducing the cost of delivery including the earth's finite resources, by creative methods to incorporate divergent resources in a unique manner yielding a greater capability to satisfy the needs and desires of targeted set of mankind.

Innovation is not only gestalten by the way of synergy but is outcomes to bring about solutions and advanced methods of communicating possibilities of change to society while maintaining respect for human dignity and the rights of peoples to exercise independent control for their own preservation, integrity, equality, unity and purpose.

**Exhibit 3**



# ***INTERFACE 87***

## ***Proceedings***

***Human Implications of Product Design***  
***May 13-15, 1987, Rochester, New York***



## *The InterAct Ergonomics is Good Business*

*by Lloyd Philpo't* Intergraph Corporation

### *Biography*

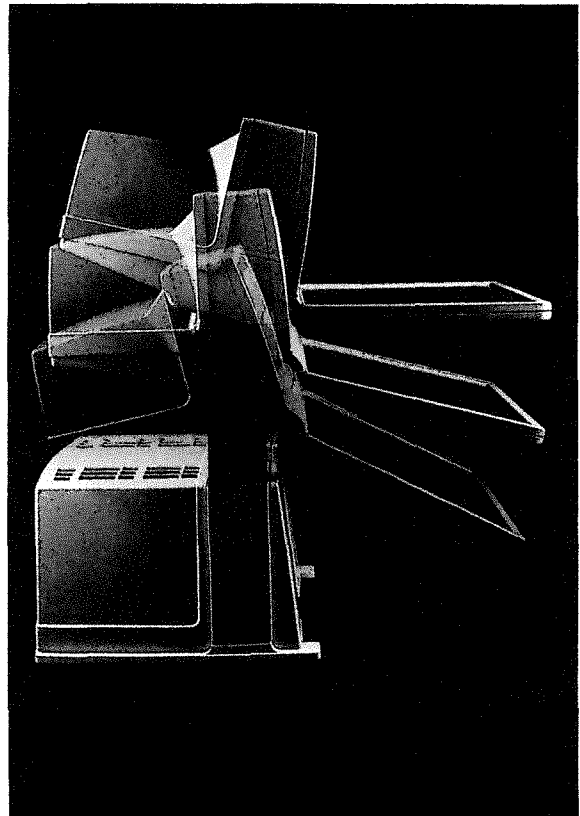
Lloyd Philpo't is Senior Manager of Industrial Design/Ergonomics at Intergraph Corporation in Huntsville, Alabama. Presently, he is developing specifications of computer graphic products for use by industrial designers and ergonomic specialists. He received a Bachelor of Industrial Design degree from Auburn University in 1971. Prior to forming the Industrial Design/Human Factors group at Intergraph, he was a consultant to various corporations in product, packaging, graphic and environmental design, and a research scientist with URS/Matrix Corporation. He is a member of the Industrial Designers Society of America, the Human Factors Society, and serves on the Board of Directors for Design Alabama.

### *Background*

The management of Intergraph Corporation has consistently emphasized a philosophy of commitment to customers. This provided an environment which allowed exploration of human factors in computer graphics workstations. Human performance research provided requirements which were integral to the product's conceptual development. The incorporation of user needs into production models provided customer satisfaction and contributed to increased sales of Intergraph systems. The financial success of the InterAct workstation (Figure 1) illustrates the importance of ergonomic considerations in product planning and business strategies.

### *Intergraph InterAct*

The InterAct workstation is the primary interface between the user and the computer graphics database, allowing the operator to create, modify, and manipulate descriptive geometric information through digital format. It consists of a keyboard, an active digitizing table surface, an electromagnetic cursor controller, two 48 cm display monitors and electronic processor hardware (Figure 2). It is used by various disciplines for applications such as printed circuit board design, architectural design, product and parts design, piping design, utility mapping, geophysical exploration, and civil engineering.



*Figure 1. InterAct Motion Range*

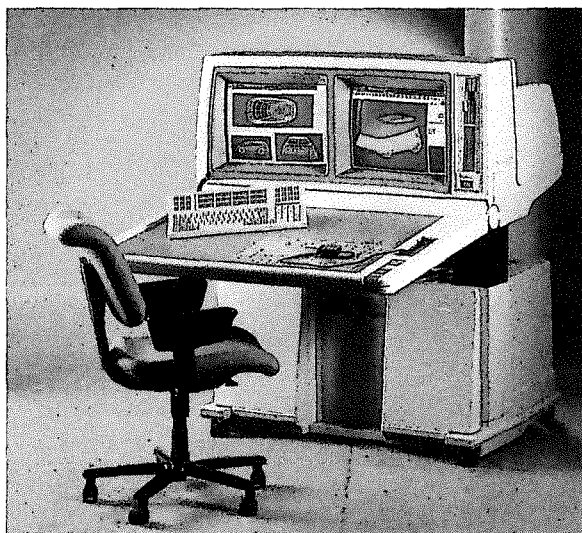


Figure 2. *InterAct Angle View*

#### Conceptual Design

When the conceptual design began on the InterAct in December of 1980, a major design goal was to provide a workstation that would accommodate a vast majority of the population, in both seated and standing positions. Anthropometric data (U.S. DoD-743) on the height distribution of the sampled population indicated that approximately 97 percent of the people are between 150 cm and 190 cm. The Industrial Design/Human Factors group created computer graphic human body figures sized according to this anthropometric data on the Intergraph system (Figure 3). We considered optimal reach distances, the required position of the user's eyes, head, and hands, and his/her overall body posture. Also taken into account were the clearances required for knees, legs, and feet.

Standards and guidelines (as set forth by U.S. Military Standard 1472C; DIN Norm 4549; McCormick, 1970; Dreyfuss, 1967; Dreyfuss, 1972; Harkness, 1976; and Scott, 1951) were considered. Although data existed on criteria for human interaction with small alphanumeric terminals, little available data existed on workstations used for computer graphics. Therefore, due to highly specialized features of computer graphics workstations, considerable weight was given to direct observation of individual work habits and postures during operation. Observations were performed on state-of-the-art 1981 computer graphics systems of Intergraph customers, competitors, and those used by Intergraph employees.

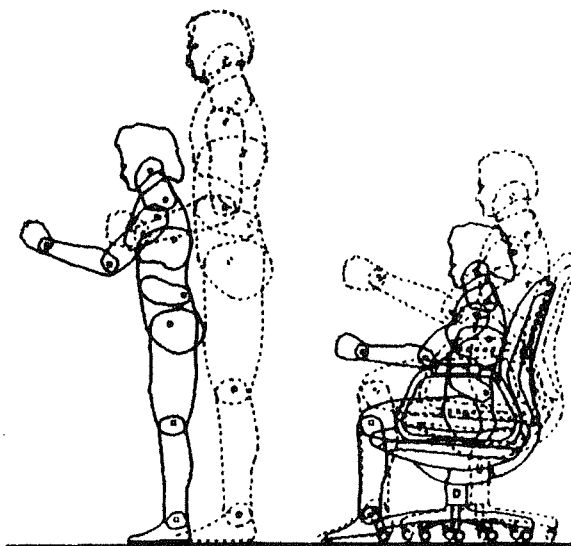


Figure 3. *Computer Graphic Human Figures*

#### Conceptualization

Alternative concepts for the new workstation were modeled and reviewed using the Intergraph system (Figure 4). Physical mockups (Figure 5) were created and tested with real people who represented the extremes in height range. These tests were recorded on 24 frames/second film and analyzed by individual frames. Simulated tasks of expert and novice users were studied by project members. The users also provided critiques of each concept. These physical tests reinforced the validity of analysis performed by computer graphics.

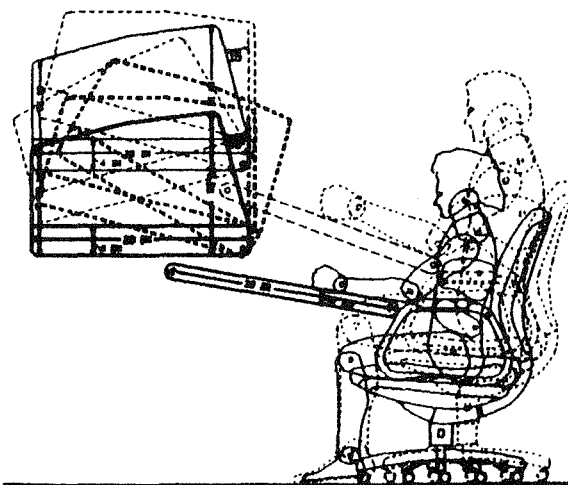


Figure 4. *Alternative Concept*



### Criteria Development

From this testing, performance and design criteria were developed which formed the basis for the final design. For example:

- Both the work surface and the display monitors must be lowered and raised as a unit with 31.8 cm of travel.
- The work surface must be tilted anywhere between a horizontal position to 35 degrees below horizontal. The work surface, at its lowest setting and with a 10 degree tilted angle, as is common in use, must be 63.5 cm in height at its front edge.
- The work surface must raise to a horizontal height of 104 cm, accommodating a majority of people in a standing position.
- The monitor screens must be tiltable to any position between 15 degrees forward of vertical and 15 degrees back. This lets the user adjust the screen to avoid reflective glare, and it accommodates various working positions of different lines of sight.
- Adjustment controls designed for hand operation must be located within the operator's extended reach envelope. Where there are already conventions established for labeling a particular type of control, Intergraph must follow that convention. For example, the standard international symbols for contrast and brightness, and the "one" for ON and "zero" for OFF will be used.
- Other controls, particularly for table and monitor height and tilt operations, are not standardized. Alternatives will be designed with several variations (Figure 6) and tested on people of various languages with no previous exposure to the workstation. Symbols that are easiest to understand by these test subjects must then be adopted.
- All surfaces must have matte or dull finishes. This reduces the likelihood of reflective glare.
- The workstation must be compact and relatively easy to move through a standard 81 cm doorway.
- No structural components shall exist which inhibit the workstation's operation by users in wheelchairs, ensuring a barrier-free workstation.
- Service personnel must have easy access to electrical components.
- The digitizing surface must accommodate standard European and American D size drawings.
- Screen depth of view must allow alphanumeric characters to be viewed at an angle between 20 and 28 arc minutes.

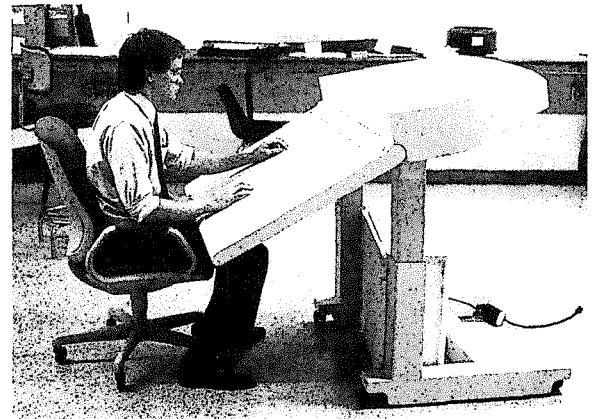


Figure 5. Physical Mockup

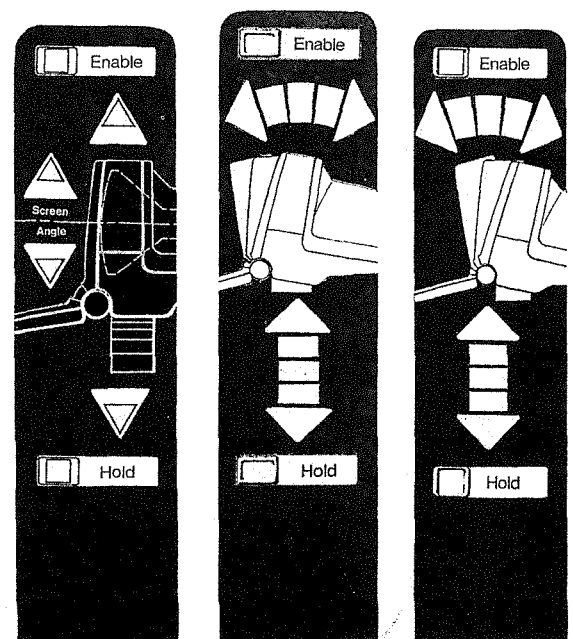
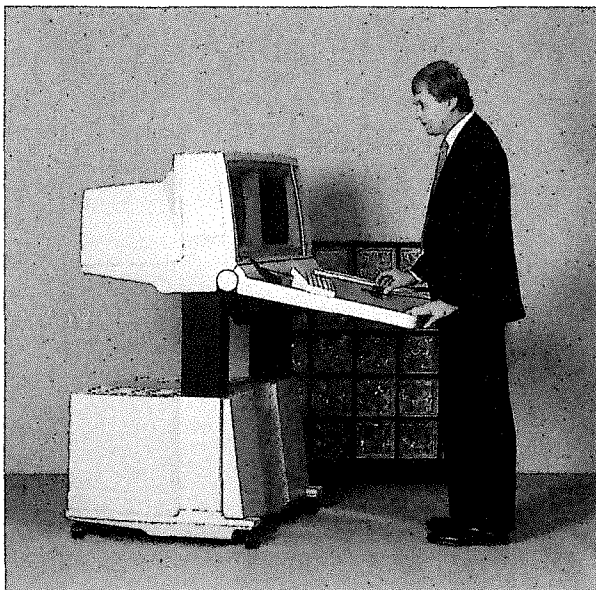


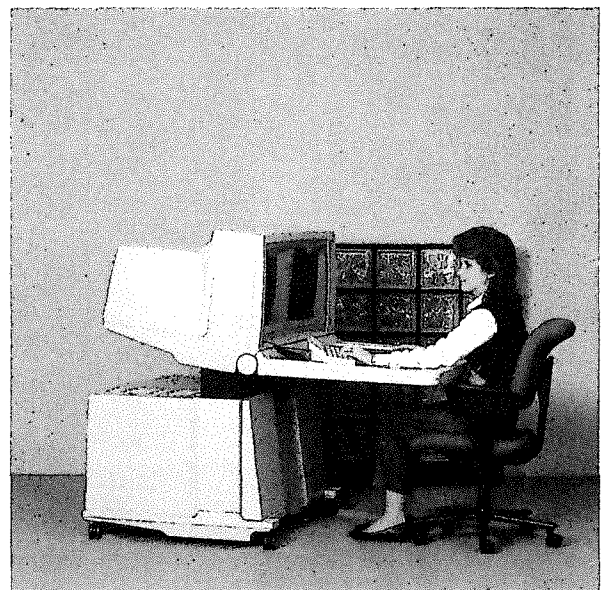
Figure 6. Control Alternatives

### *Final Design*

The final design became a direct incorporation of these criteria (Figures 7, 8). The digitizing table can be tilted with one hand using a manual actuator connected to a compression cylinder. The actuator button (Figure 9) was molded to provide the fingers and thumb with an easy grip position. Using a membrane touch panel which controls two motors, the operator can adjust the monitor tilt and monitor/table height. The panel contains lock and unlock buttons to prevent inadvertent actuation of the motors (Figure 10). The digitizing table surface and bezel areas are mid-range warm grey (Scott, 1951) to provide a neutral background for various light levels and colors shown on the screen. Paper menus can be placed directly on the table surface covered by an overlay which reduces glare. Two monitors are positioned at an angle which orients their faces perpendicular to the operator's line of sight. Inhouse tests confirmed that dual monitors provided greater efficiency in operation than single monitor workstations by allowing twice the graphically displayed area for quick reference by horizontal movement of the eyes. Both monitors are within a field of view 30 degrees either side of the central line of sight (Figure 11).



*Figure 7. 97.5 Percentile Male Standing*



*Figure 8. 2.5 Percentile Female Sitting*

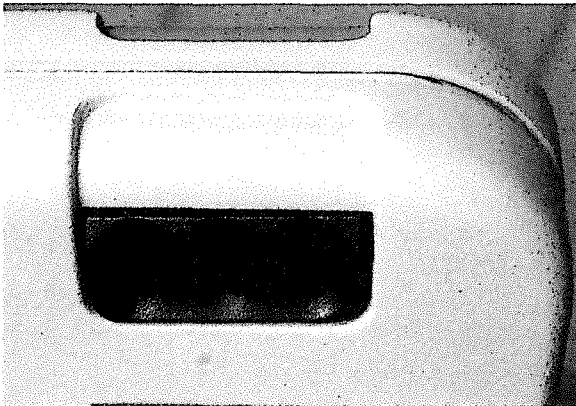


Figure 9. Manual Actuator Button

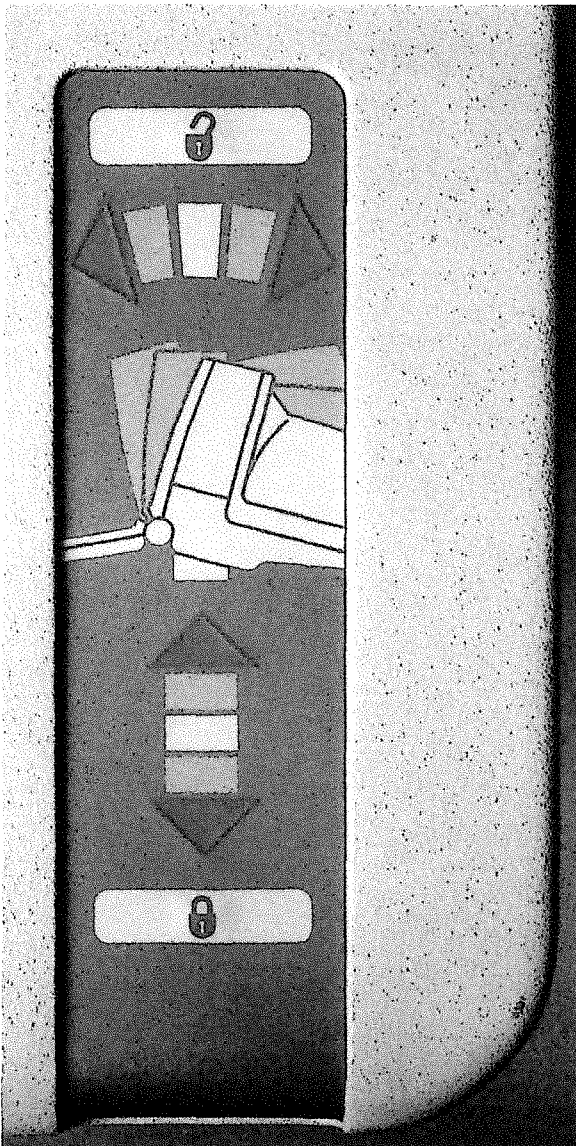


Figure 10. Membrane Touch Panel

As part of an overall effort to gain and maintain an edge in an increasingly competitive computer graphics market, ergonomic features of the InterAct aided Intergraph in selling to potential customers and satisfying customer needs. Based on numerous conversations with Intergraph sales people and customers, key factors in decisions to purchase Intergraph systems are the ergonomic features of the InterAct workstation. Although many other factors have contributed to the growth of Intergraph, including advancements in electronics and software development, it is felt by Intergraph management that the InterAct contributed significantly to the growth of the company by blending advanced electronics and ergonomics in the humanization of technology. By the end of 1983, production of the InterAct increased 300 percent over the previous year's production of the workstation which it replaced. Correspondingly, revenue for 1983 increased 62 percent, net income per share increased 107 percent, and assets increased 108 percent over 1982 (Figure 12).

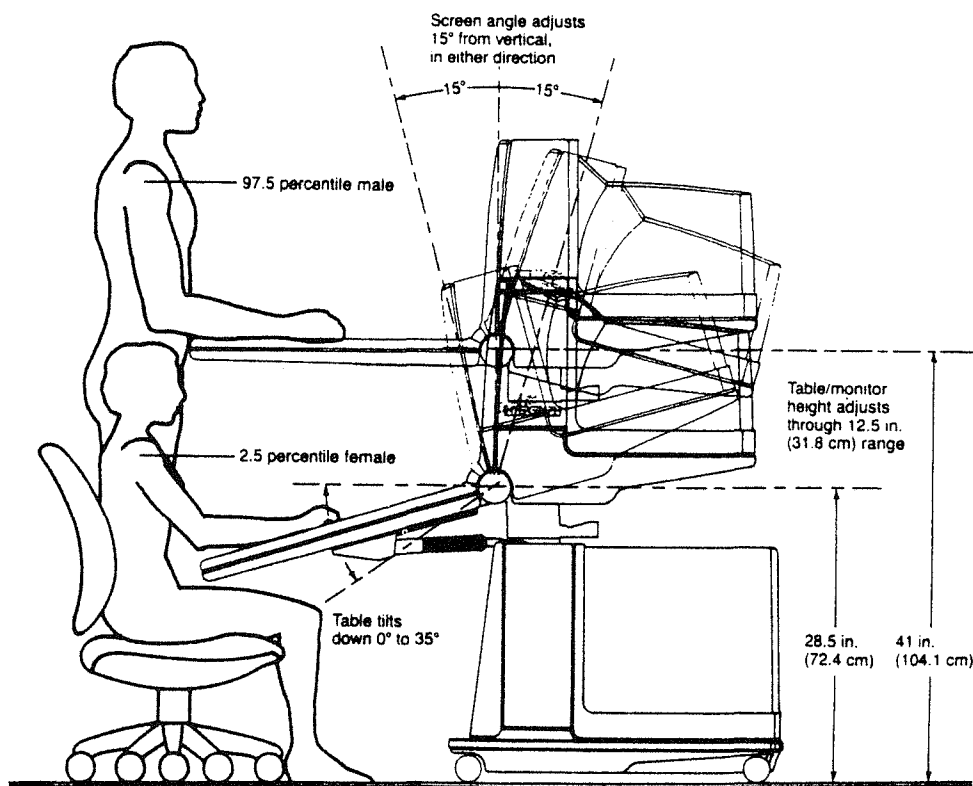
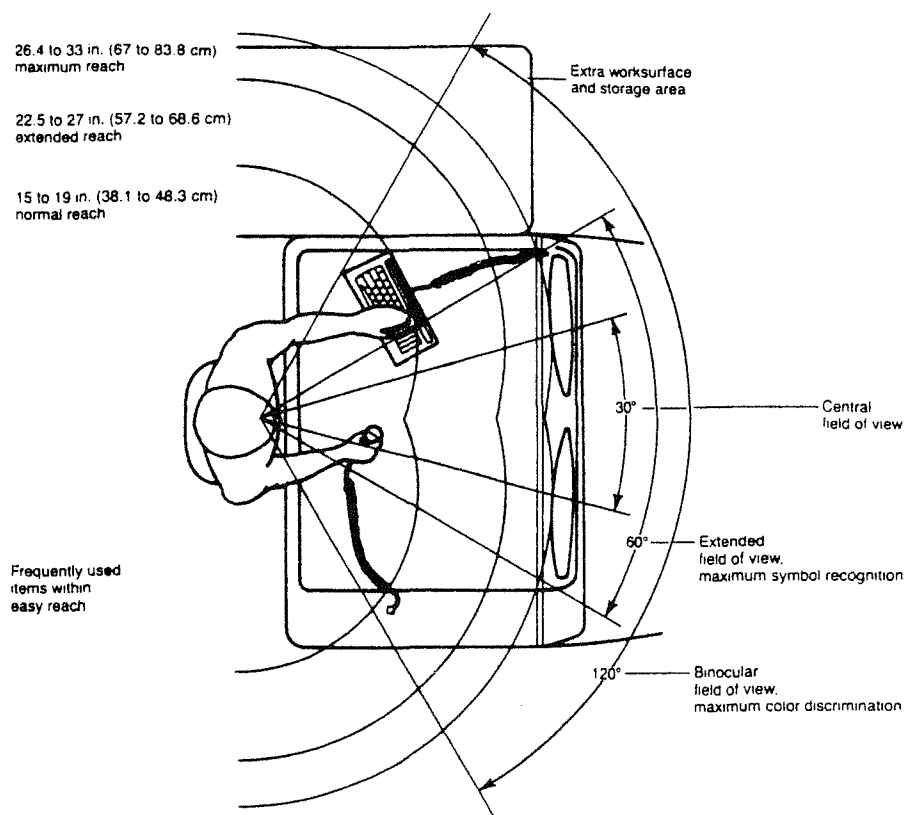


Figure 11. Final Workstation Anthropometrics

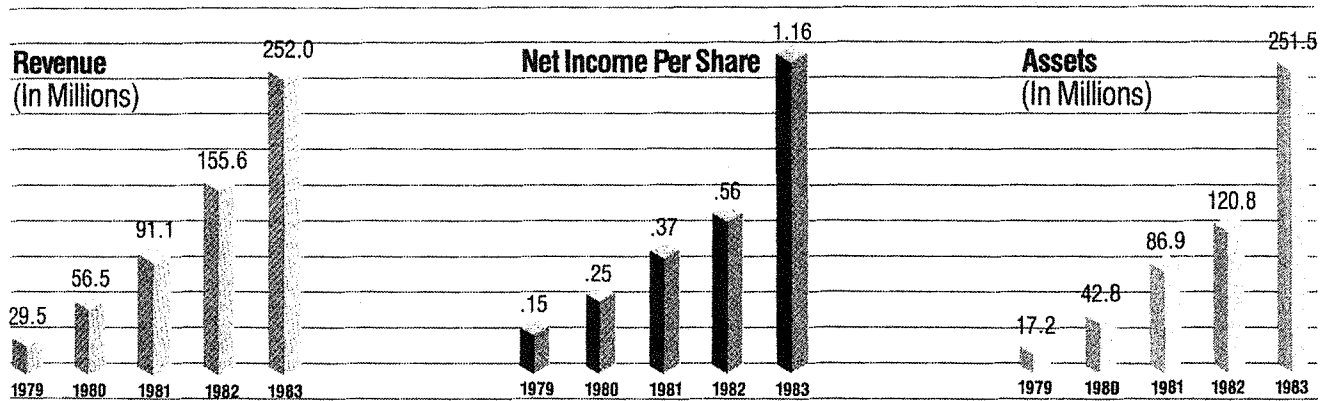


Figure 12. Financial Data

### Conclusion

Only a few years ago, it was difficult to find anyone who knew the meaning of ergonomics; however, during the last five years we have witnessed the frequent advertisement of ergonomic features as a means of sales promotion. Although some products lack sound ergonomic design, obviously marketers realize that ergonomic claims are important to sales.

Certainly, in this particular case, it is believed consideration of ergonomic factors had a positive impact on an increase in the financial growth of Intergraph. Also, based on this case, it appears that ergonomics will have an influence on business if the following practices take place: top management must be committed to customer needs; management must allow for ergonomic research and analysis; management must allow for alternative conceptualization and verification of these concepts and communication of the resulting benefits in the promotion of the products in the marketplace. Ergonomics, as an integral application of technology in the development of products, is good business strategy.

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**Exhibit 4**

## Ergonomics

*Uniting form with function*



INTERGRAPH



Machines and minds work in harmony when form meets function – it's an inseparable blend of use and user

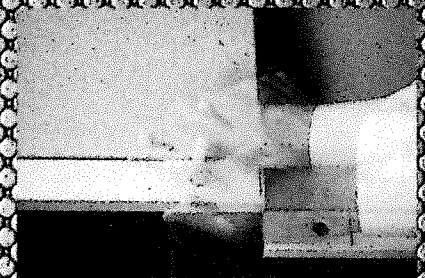
## Human factors

The ultimate computer system complements human responses, both physical and mental. It adjusts to the uniqueness of the person and the environment. It is easy to use. It responds logically to commands. It produces results quickly and flawlessly.

In ideal interactions between humans and machines, the user should be able to assume that the physical and mental habits of humans have been planned for. When the intricate processes of human physical and mental mobilization are incorporated into the machine's design, the interactions become complementary and the interface seamless.

## The need for total solution technology

Total solution technology begins with human needs. Quality human-machine interaction depends on a total environment that accords well with human physical and mental capabilities. This means that general-purpose solutions are not viable answers to the specialized and multifaceted problems of today's business world, and neither are partial solutions. Intergraph provides total solutions that — because they begin with human needs — result in the highest quality computing products available.



## **From the Greek "ergon" and "nomos"**

Ergonomics is an applied science. It ensures that humans efficiently and safely interact with the tools they use. As a formal discipline, ergonomics had its beginnings in the industrial revolution of the late 1800s and early 1900s. But the fundamental principles of ergonomics point backward many centuries, to the time when early humans fashioned simple tools and implements. Ergonomics takes its definition from those basic drives that led humans to create tools in the first place — to increase efficiency and ensure safety.

The earliest formal application of ergonomics involved merely the mechanics of human-machine interaction. In fact, ergonomics was called time-and-motion engineering. But after several decades, the advent of computer technology changed the entire scope of ergonomics. This new type of technology reached far beyond a purely mechanical involvement, to one that engaged the user's senses.

Computers required the user to perceive, judge, and make decisions. As a result, complex issues about human abilities became relevant to productivity: How much information could be assimilated over certain time constants? What pattern of logic should a command sequence follow? To what extent do color and shape affect the human psyche? At what speed should a computer respond to commands? What sizes and types of print are most readily perceived?





Ergonomists needed additional expertise to answer such questions. Behavioral scientists were enlisted to provide answers. Supporting these new demands, the focus of ergonomics broadened. As applied today, ergonomics approaches efficiency and safety from a multidisciplinary perspective, blending the social and biological sciences — psychology, anthropology, physiology, and medicine — with engineering. It is a scientific approach to designing machines, operations, and environments to match human capabilities and limitations.



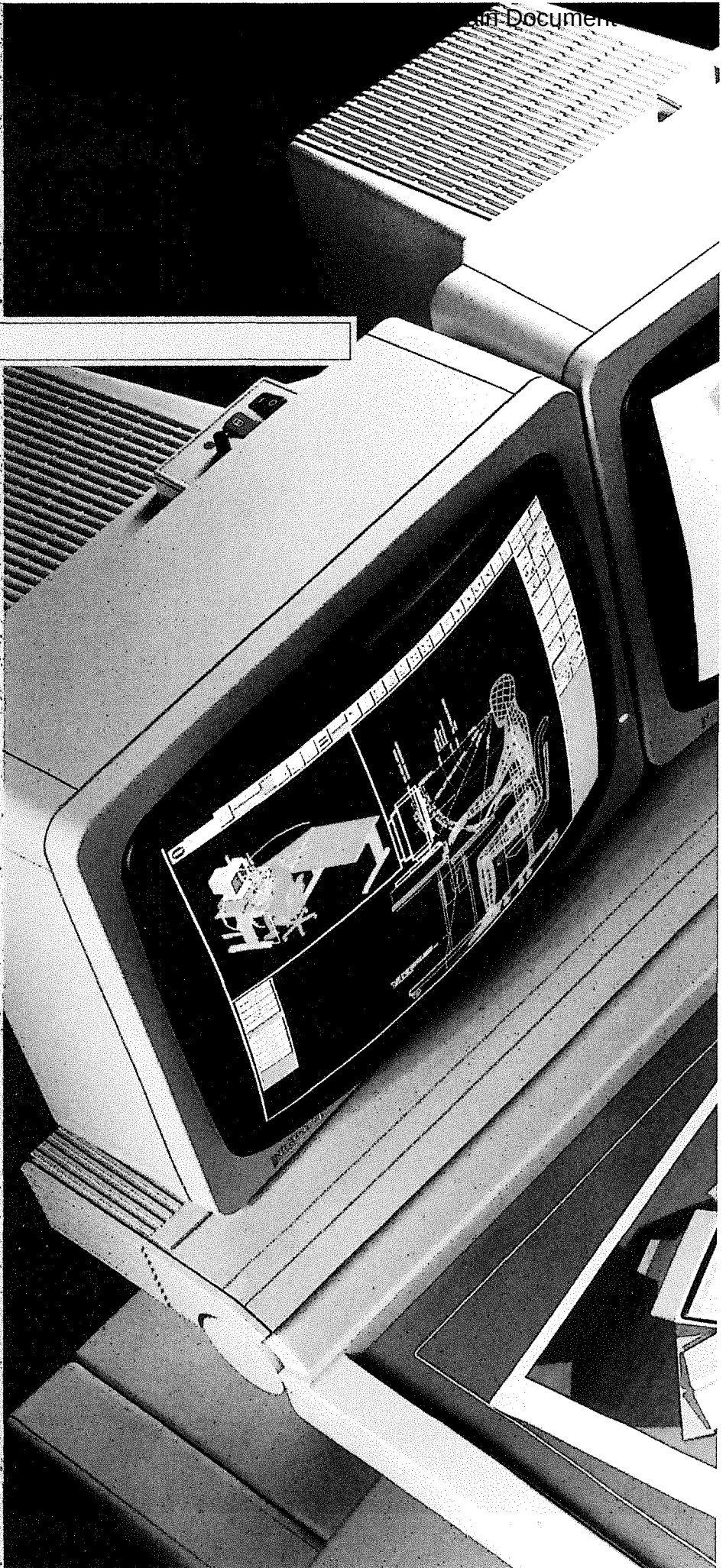
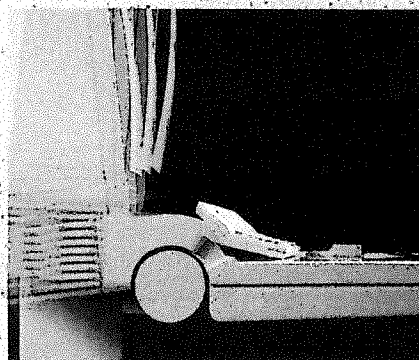
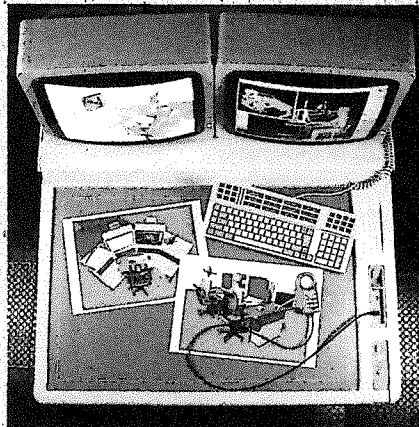
## Designs and designers

At Intergraph, a team of expert ergonomists work with product engineers to build systems that champion the user. Every aspect of design is ergonomically considered. Intergraph engages the latest technology and applies the most stringent standards to build systems shaped to the needs of the users they serve.

In addition, Intergraph engineers and ergonomists use their own designs to shape new products. Out of this experience, they gain an intimate understanding of the needs they are addressing and how best to fill those needs. They also work in partnership with customers who need specialized designs. The Intergraph team custom-tailors designs that target every aspect of the customer's needs to provide a complete solution.

## Dual monitors

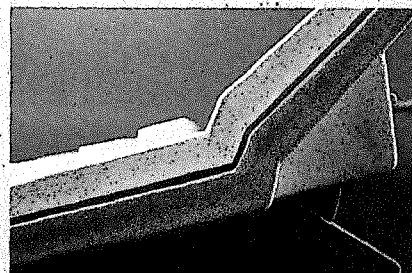
When humans assimilate information, more than half of it is taken in by the eyes. Dual screens double the visual resources of a computer system. They simultaneously display different parts of an image; they provide many different perspectives of an image; and they display a panoramic view of an image. Moreover, the sophisticated interaction of the cursor with the dual screens allows natural, unimpeded movement from one screen to the other — as if the two screens were one.





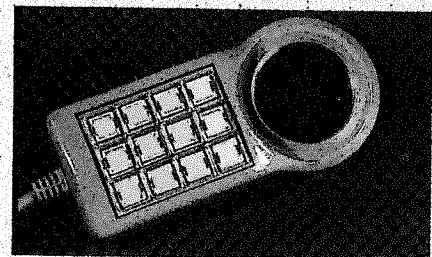
## Low-profile, detachable keyboard

When the Intergraph design team envisioned a keyboard, they began with the world's most stringent standards, German DIN specifications, to maximize productivity and minimize error. Then, they went beyond these requirements into the deeper realms of comfort and economy of movement. An innovative approach to flexibility resulted in height and angle adjustment features that customize the keyboard to different hand sizes and worksurfaces. The Intergraph team approached psychomotor economy with an intimate understanding of keyboard functionality. The result: a keyboard optimized to human hand motion, with a compact structure and a comprehensive set of features. Maximizing the mental economy afforded by icons, the designers united an extensive user-programmable, menu-changeable function keypad with the keyboard, placing 94 commands at the user's fingertips.



## 12-button, user-programmable cursors

Seeing the limitations of traditional cursor technology, Intergraph's designers explored the intricacies of graphics input. User needs were complex, diverse. The cursor device must function naturally — moving like a pencil in one's hand; precisely — accurately supporting intricate detail; efficiently — requiring no complicated tapping sequences; and comfortably — its form converging with the hand and mind. Intergraph's innovative answer to complex needs: a cursor having 12 buttons with changeable paper menus, providing extensive power at the fingertips and maximum programmability. Refined shape, balanced weight and mobility, and a smooth texture make the cursor as comfortable to the hand as it is powerful.





## 27-inch display

Unique in the industry, the 27-inch display gives a new dimension to the visual realm. Crisp, colorful images on a generous screen amplify detailed information for easy viewing and faster comprehension. The 27-inch screen provides twice the viewing area of a 19-inch screen, with no loss in resolution. Intergraph has extended 27-inch technology to include dual-screen configurations, offering prime viewing capabilities available nowhere else in the marketplace.





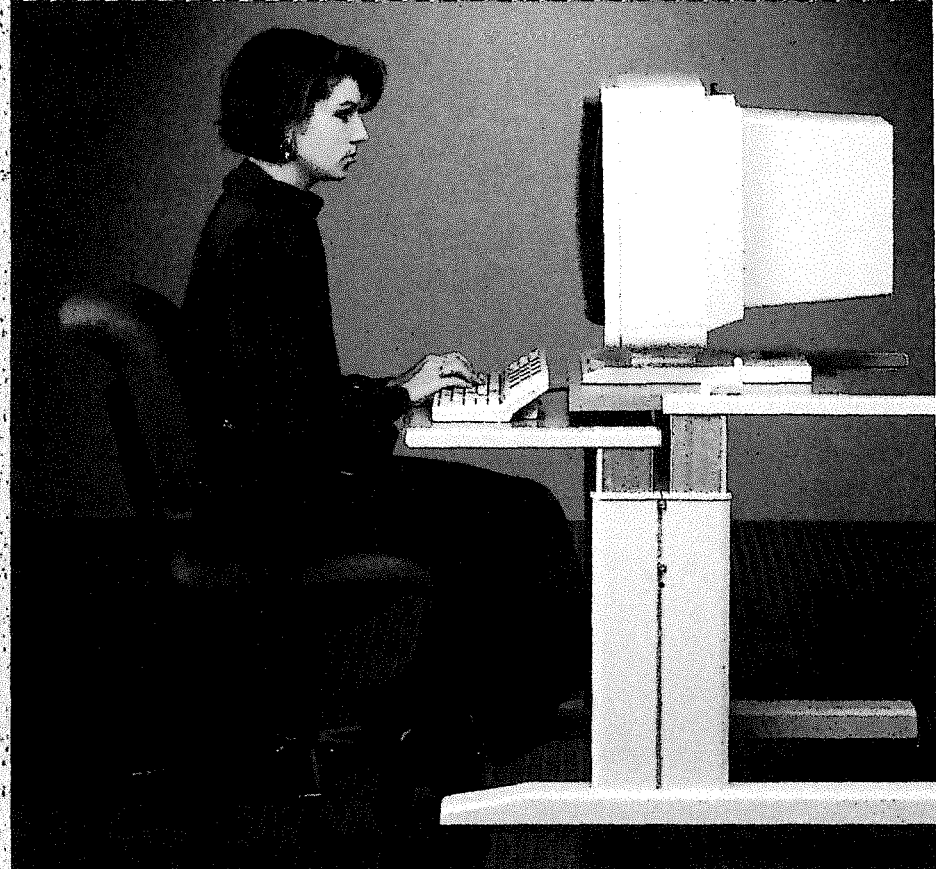
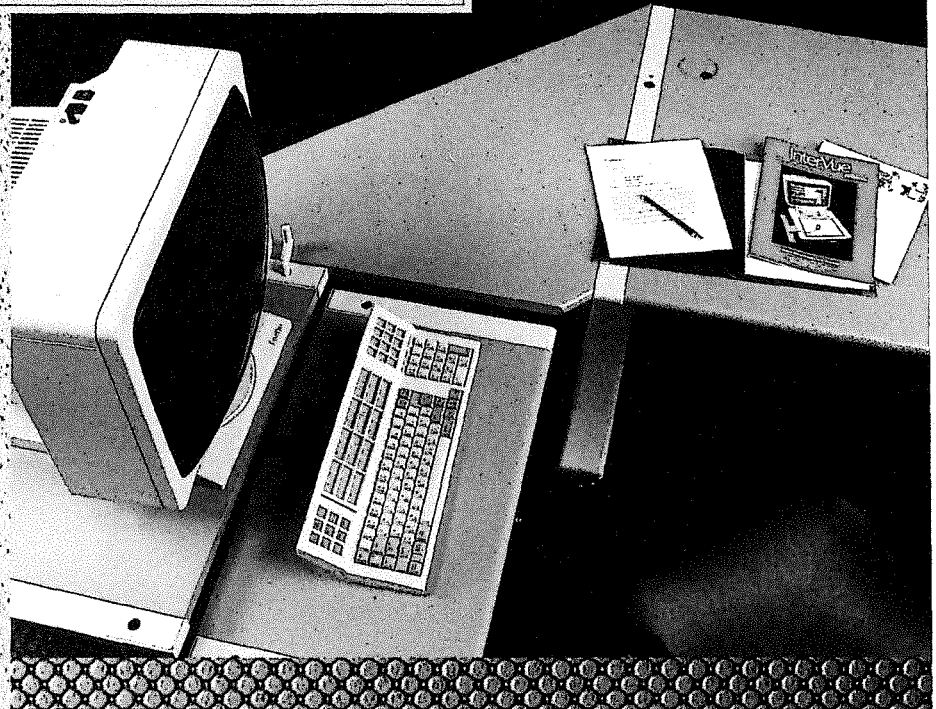
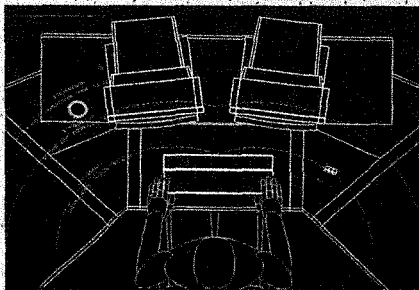


## Ergostand

The Intergraph design team boldly approached the demanding ergonomic concerns of a production computing environment. They focused on the rigorous psychomotor requirements that such an environment imposed on the user. Heightened incidence of back and neck fatigue, eyestrain, headaches, and mental stress required a comprehensive approach to user comfort. In addition, the need to accommodate a variety of production settings required a versatile design. The answer: the ergostand, a highly innovative workstation stand that maximizes user comfort in a variety of production settings. Providing a broad range of adjustment features, the ergostand offers the user literally hundreds of customized positions. Adjustment mechanisms are fully automated and functionally shaped to make readjustment natural and non-distracting. The ergostand is easily molded to a variety of working situations: single or multiple users, sitting or standing positions, chairs or stools, an office environment or an assembly line. The ergostand is a premier design with a classic ergonomic focus.

## Adjustable furniture

Intergraph designers recognized the need for height-adjustable, surface-expandable furniture to ensure maximum comfort and convenience for workstation users. Their designs focused on alleviating many of the problems associated with short- and long-term computer use, such as fatigue, backaches, eyestrain, headaches, and stress. Their solution: a line of versatile furniture especially for desktop workstations and associated peripherals, featuring carefully situated work areas, generous workspaces, and extensive adjustability.



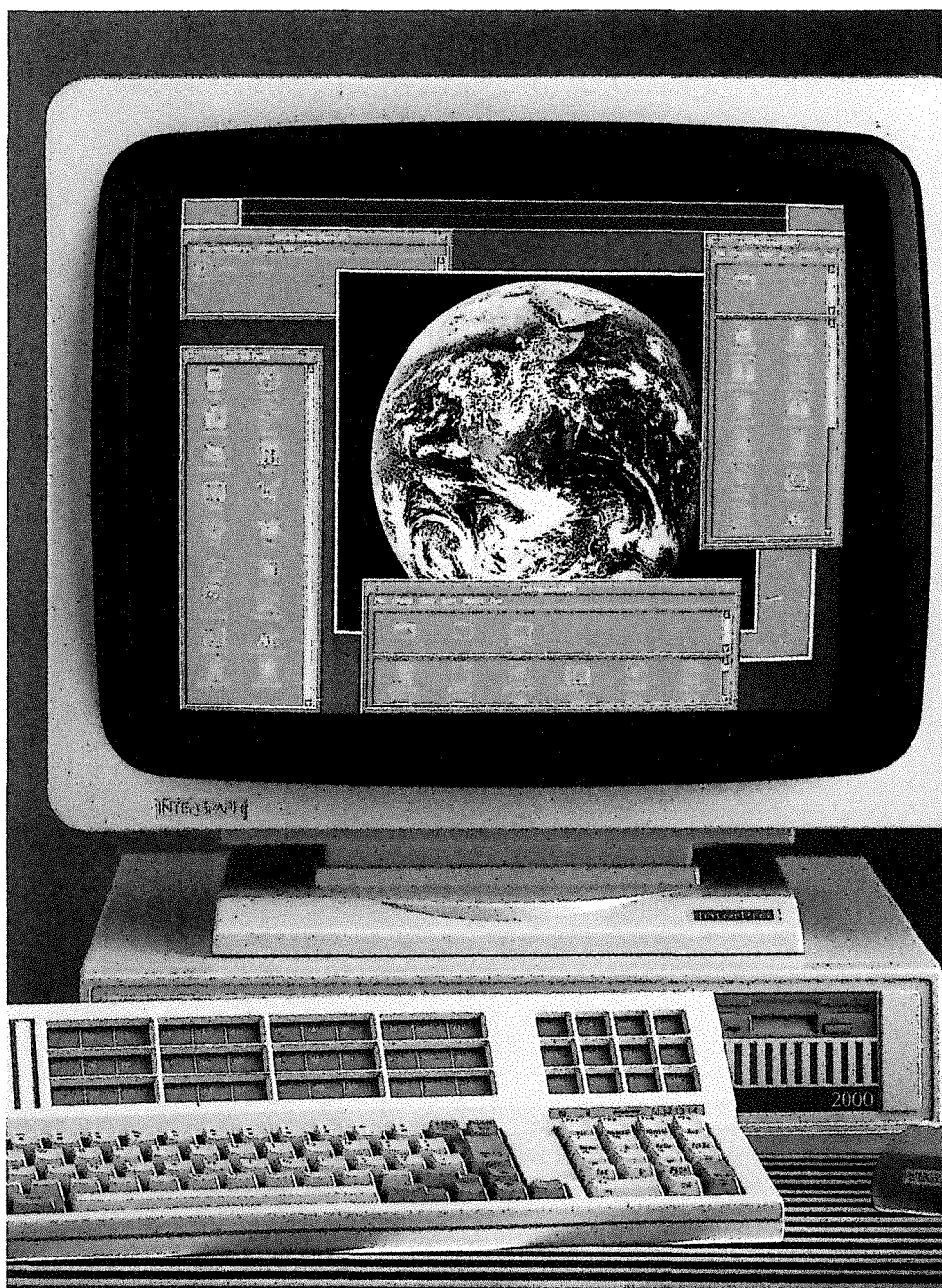


## A versatile software interface

For both the expert and not-so-expert, Intergraph's software provides a versatile interface that offers a variety of ways to drive the system:

- ☐ Iconic menus (both onscreen and paper)
- ☐ Alphanumeric keyins
- ☐ Single-button function keys
- ☐ Hierarchical menus
- ☐ Scrolling menus

This variety allows users with different levels of expertise to become productive quickly. As novice users become more familiar with the system, a combination of menus and single-button function keys provides a more efficient interface. For experts, the interface supports high-level alphanumeric keyins and macro commands that execute lengthy command strings automatically. Moreover, Intergraph software constantly presents the user with visual cues and graphic prompts. This feedback enhances productivity for every level of user.



## **Uniting form with function**

Intergraph systems are involved in the conception and expression of hundreds of thousands of ideas all over the world. Superior ergonomic design in both hardware and software ensures that our systems work in harmony with the minds they serve. By uniting form with function, we create a dimension where user and machine are one.

With every rising and setting of the sun, technology advances. But what determines true progress? Fundamentally, increased efficiency.

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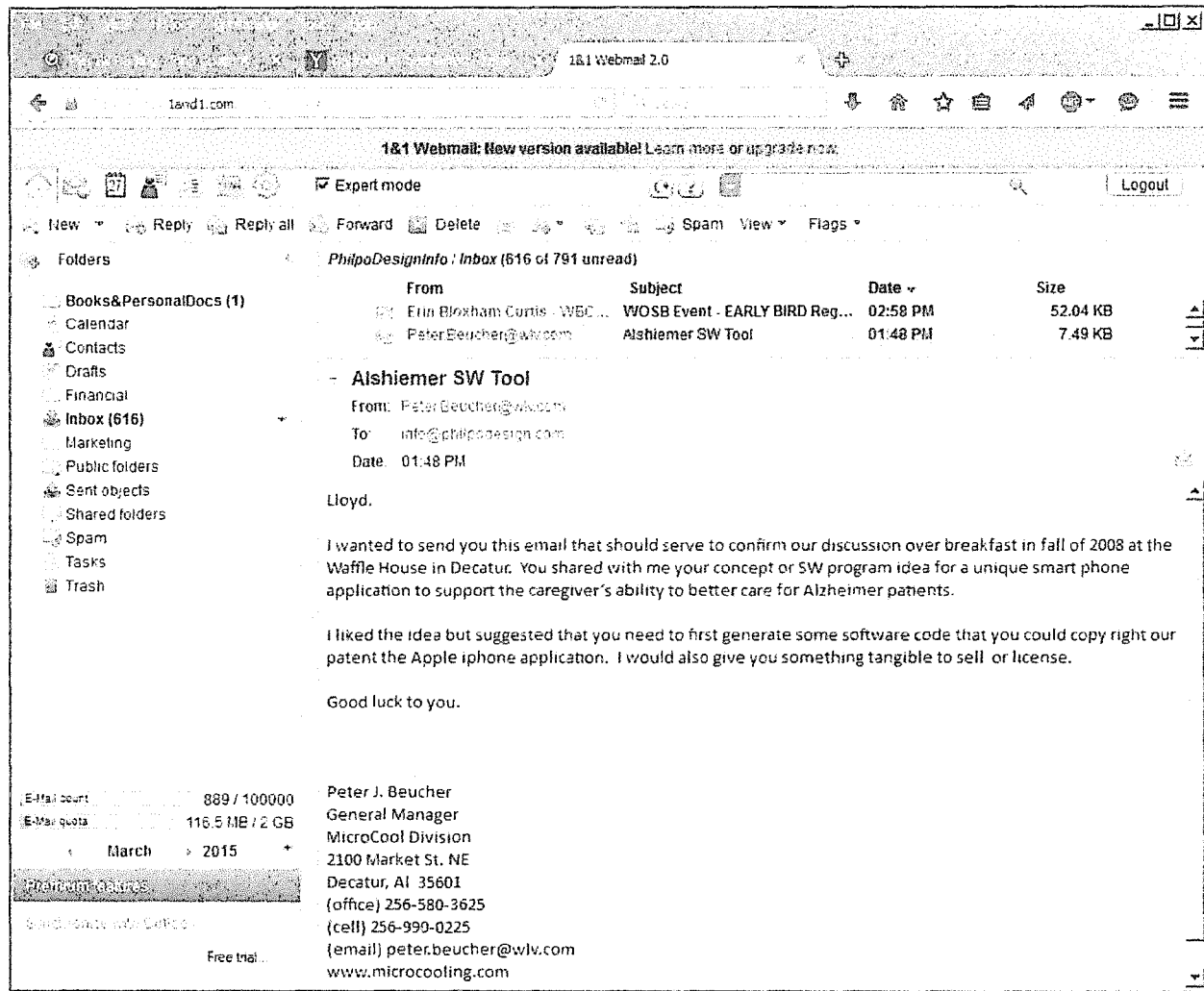
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**INTERGRAPH**  
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**Exhibit 5**



Screen copy of e-mail from Peter Beucher March 2015

Exhibit 6



November, 3, 2012

**Gerald Hassell**

CEO/Chairman of the Board/Director/President, Phone: +1 212 495 1784  
The Bank of New York Mellon Corporation, (BNY Mellon)  
One Wall Street  
New York, NY 10286

A most respected man of Duke/Trinity's history, and most likely a cousin of our Virginia and North Carolina Philpott family, John Spencer Bassett earned national renown inspiring individuals to question orthodoxy and seek "truth." Here in Decatur, Alabama, such a man was the late Seybourn H. Lynne, the U.S. Federal judge who insured admittance of black students Vivian Malone Jones and James Hood to enter the University of Alabama, ending desegregation at the University of Alabama even as then Governor George Wallace was giving his speech in a doorway of the school. The house in question within this letter is the home-place of Seybourn H. Lynne.

[http://en.wikipedia.org/wiki/Seybourn\\_Harris\\_Lynne](http://en.wikipedia.org/wiki/Seybourn_Harris_Lynne)

We have been the caretakers /owners of the property for almost thirty years with major preservation efforts which included it as a contributing structure along with neighboring homes on the National Register of Historic Places. Our focus has been to live in, raise our family and maintain the home as a heritage to the legacy of Judge Lynne who showed courage to question orthodoxy, seeking truth and justice in the early 60's when Alabama was so focused against equality of all races under God.

Despite our contention that GMAC Mortgage has mismanaged our mortgage payment account, costing ourselves and ultimately BNY Mellon significant equity, we have been diligent in our efforts to keep the property as a historic place even after Easter 2009 storms damaged the house. The attached letter describes the situation, but in short, recently, we were finally able to get a new roof on all buildings by this past Summer and just a few days ago, the Nationwide Insurance claims executive finally agreed with our original contention that Nationwide was responsible as our insurer to repair all the damage from the storm, an additional + \$32,000, work which has just started, although such is over three years past due.

However, the property is slated for foreclosure and sale November 7, 2012, "this week". Such repairs cannot be completed before December 28, 2012. If this delay is not granted, all work will cease this Monday to allow the contractor to be paid prior to the sale. We have diligently requested an additional delay so that we may oversee the completion of the repairs under our policy. Today, we have not received a reply. Should the sale go forward on the 7<sup>th</sup>, the repairs would not be completed and BNY Mellon would suffer a greater loss by the devaluation of the property since the storm damage.

**I ask for your intervention to direct that the sale be delayed, and we will in good faith work with you to the best of our abilities for the protection of BNY Mellon and our financial interests.**

Sincerely,

**Gwendell L. Philpot and Annette Green Philpot** 256-309-9850

[lloyd.philpot@yahoo.com](mailto:lloyd.philpot@yahoo.com)

Loan Number: [REDACTED] 9657, Serviced by GMAC Mortgage

Property Address: 503 Ferry Street Decatur, Alabama 35601-1909

Cc: Nicholas B. Roth, Esq. (via E-Mail)

**Exhibit 7**



The Property in 2012  
The Restored Home-place of  
U.S. Federal Judge Seybourn H. Lynne  
503 Ferry St NE, Decatur, Alabama 35601